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TAB 1



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, U.S. ARMY GARRISON
204 LEE AVENUE
FORT MYER, VA 22211-1199

IMNE-MYR-ZA

3 AUG 2010

MEMORANDUM FOR Chief, Forensic Psychology, Walter Reed Army Medical Center,
Washington, DC 20307-5001

SUBJECT: Order for Sanity Board - PFC Bradley Manning

1. **Order.** I order [redacted] examination into the mental capacity and mental responsibility of PFC Bradley Manning, (b) (6), Headquarters and Headquarters Company, U.S. Army Garrison, Fort Myer, Virginia, 22211.

2. **Reasons.** The reasons for this order are based on the information contained in the Defense Request for Sanity Board, dated 11 July 2010 and the Defense Renewed Request for Sanity Board, dated 18 July 2010. According to defense's request, PFC Manning has been diagnosed with adjustment disorder with mixed disturbances of emotions, conduct. Defense also alleges that PFC Manning's leadership repeatedly expressed concerns about his mental health and PFC Manning was placed on suicide watch while in pre-trial confinement in Kuwait.

3. **Composition of the Board.** In accordance with Rule for Court-Martial (R.C.M.) 706(c), the board shall consist of one or more persons who are physicians or clinical psychologists. Defense requests that the board consist of three members, including at least one forensic psychiatrist, one forensic psychologist, and one neuro psychiatrist. You may, but are not required to comply with defense's request. At least one member of the board, however, shall be either a psychiatrist or a clinical psychologist. You will conduct the board and designate the appropriate personnel from within your staff to comprise all or part of the board.

4. **Required Findings.** The Board is obligated in its evaluation to make separate and distinct findings as to 4a-4e (below), using diagnostic tools that the Board, in its professional discretion, believes to be necessary and appropriate. In his request, the defense counsel posed a number of specific requests for matters to be evaluated and specific tests to be conducted. You may, therefore, conduct the tests and answer the questions requested by the defense counsel in 4f-4k and 6 (below), but are not required to do so.

a. Does the accused currently have a severe mental disease or defect? If the answer to "a" is yes, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the American Psychiatric Association's Diagnostic and Statistical Manual IV (DSM IV)?

(2) Is this severe mental disease or defect service disqualifying?

(3) What is the accused's prognosis for recovery?

IMNE-MYR-ZA

SUBJECT: Order for Sanity Board - PFC Bradley Manning

(4) Can this severe mental disease or defect be successfully controlled by treatment with drugs?

(5) Does the long-term commitment of the accused appear to be a necessary alternative?

b. Does the accused have the mental capacity to understand the nature of the proceedings and the seriousness of the charges against her? If the answer to "b" is no, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) Can this mental disease or defect be successfully treated/controlled by treatment with drugs?

(3) What is the prognosis and expected time for recovery?

c. Does the accused have the mental capacity to cooperate intelligently in her own defense? If the answer to "c" is no, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) Can this mental disease or defect be successfully treated/controlled by treatment with drugs?

(3) What is the prognosis and expected time for recovery?

d. At the time of the alleged criminal conduct, did the accused have a severe mental disease or defect? If the answer to "d" is yes, answer the following four questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) At the time of the alleged criminal misconduct, and as a result of such severe mental disease or defect, was the accused able to appreciate the nature and quality or wrongfulness of her conduct?

(3) Is this severe mental disease or defect merely a defect of character or personality caused by inadequate training and development, lack of moral restraint, or a personal, social, or cultural standard of conduct which differs from that of society as a whole?

(4) Was this impairment complete?

e. At the time of the alleged criminal misconduct, and as a result of such severe mental disease or defect, was the accused able to appreciate the nature and quality or wrongfulness of her conduct? If the answer to "e" is yes, answer the following three questions.

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

IMNE-MYR-ZA

SUBJECT: Order for Sanity Board - PFC Bradley Manning

(2) Is this severe mental disease or defect merely a defect of character or personality caused by inadequate training and development, lack of moral restraint, or a personal, social, or cultural standard of conduct which differs from that of society as a whole?

(3) Was this impairment complete?

f. Was the accused, at the time of the offense, able to formulate a specific intent to commit the alleged acts, to know the probable consequences of her actions, or to premeditate a design to commit the acts? If the answer to "f" is no, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) What is the prognosis?

g. What personality type does this Soldier possess?

h. What is the Soldier's intelligence level?

i. Does the Soldier suffer from any mental condition that seriously interferes with her ability to think, respond emotionally, remember, communicate, interpret reality, and behave appropriately? If the answer to "i" is yes, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) What is the prognosis?

j. Does the Soldier have an organic brain/nervous system disorder or impairment that would impact her ability to think reason, perceive, recall, or in any way control her behavior or her thoughts? If the answer to "j" is yes, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) What is the prognosis?

k. Does this Soldier suffer from any level of Post Traumatic Stress Disorder? If the answer to "k" is yes, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) What is the prognosis?

5. Consideration.

a. The sanity board should, at a minimum, consider all of the following materials in reaching their findings:

(1) The results of psychological and neurological tests.

IMNE-MYR-ZA

SUBJECT: Order for Sanity Board - PFC Bradley Manning

- (2) Accused's mental health records.
- (3) Accused's medical records.
- (4) Interviews with accused.
- (5) The charge sheet.

b. You may consider, at your professional discretion, any additional questions or matters posed by the defense if such matters are received no later than two weeks of the date of this memorandum.

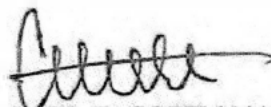
6. In conjunction with the sanity board, you shall also complete a comprehensive neurological examination to include a CAT scan.

7. **Release of Report.** Upon conclusion of the inquiry, the sanity board must comply with the disclosure prohibitions of Military Rule of Evidence 302, and R.C.M. 706(c)(3). Only a statement consisting of the sanity board's ultimate conclusions as to the questions in paragraph 4a through 4k will be provided to the trial counsel. A full report, which may include statements made by PFC Manning or any evidence derived from such statements should be provided to PFC Manning's defense counsel, CPT Paul Bouchard, Trial Defense Service, Camp Liberty, Iraq.

8. **Telephone Numbers.** CPT Ashden Fein is the government counsel. CPT Fein may be reached at (b) (6) Information pertaining to PFC Manning can be obtained from his defense counsel, CPT Bouchard, at DSN (b) (6) or SVOIP (b) (6).

9. **Suspense.** This medical examination and your findings shall be completed no later than 20 August 2010. Any extension of time must be submitted through the Government counsel to me for approval.

10. **Delay.** The period between the request for a delay, on 12 July 2010, and the date the R.C.M. 706 inquiry is complete is excludable delay IAW R.C.M. 707(c).



CARL R. COFFMAN JR.
COL, AV
Commanding



DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRIAL DEFENSE SERVICE
CAMP LIBERTY FIELD OFFICE
CAMP LIBERTY IRAQ

Tab 1 - Page 005



REPLY TO
ATTENTION OF:

AFZD-TD

11 July 2010

MEMORANDUM THRU LTC Craig Merutka, Article 32 Investigation Officer, matter of US v. PFC Manning

FOR Convening Authority

SUBJECT: Request for delay in Article 32 hearing based on Defense request for a 706 board

1. The defense respectfully requests that the July 14th Article 32 investigative hearing in the matter of US v. PFC Bradley Manning be delayed for the following reason:

On 11 July 2010, at approximately 1600 hours, the defense requested the Government appoint and conduct a 706 board on PFC Manning. The defense is waiting to hear if such a request will be approved by the convening authority.

2. POC is the undersigned at DSN: (b) (6) ; SVOIP: (b) (6)

PAUL R. BOUCHARD
CPT, JA
Senior Defense Counsel



DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRIAL DEFENSE SERVICE
CAMP LIBERTY FIELD OFFICE
CAMP LIBERTY IRAQ

Tab 1 - Page 006



REPLY TO:
ATTENTION OF:

AFZD-TD

12 July 2010

MEMORANDUM THRU LTC Craig Merutka, Article 32 Investigation Officer, matter of US v. PFC Manning

FOR Convening Authority

SUBJECT: Request for delay in Article 32 hearing

1. The Defense respectfully requests that the July 14th Article 32 investigative hearing in the matter of US v. PFC Bradley Manning be delayed. This request is based on the following three reasons, all of which need to be met for a proper Article 32 hearing to take place:

a. An Article 32 hearing should not take place until a 706 evaluation is conducted on the accused to determine the important issues of mental responsibility and competency. The Article 32 hearing should not take place until the Defense receives the long version of the 706 board's findings and recommendations. (Note: the Defense has already requested a 706 evaluation be undertaken in this matter, and has received notice that the Government supports such a request. The Government has informed the Defense that a 706 board could be convened and undertaken in about two weeks);

b. An Article 32 hearing should not take place until the accused has decided whether he will obtain the services of a civilian counsel and whether such a civilian counsel is properly prepared for the Article 32 hearing. The Defense is currently researching this issue for the accused. The Defense believes that if the accused selects a civilian attorney, then that selection will take about two weeks to occur;

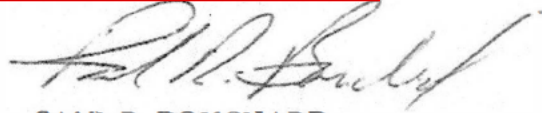
c. And an Article 32 hearing should not take place in this case until the Defense has an expert on computer forensics on its team and that the computer forensics expert has ample time to review the evidence which consists of five CD Rom disks. On behalf of the accused, the Defense will request CyberAgents, a company owned by Mr. Eric Lakes and based in Lexington, Kentucky, to be an expert assistant in this matter. The Defense is ready to submit its request for CyberAgents, but we are waiting to hear from Mr. Lakes to confirm his fee schedule. The Defense anticipates requesting Mr. Lakes within the next 24 hours. The Defense does not know and cannot predict how long it would take an expert like CyberAgents to review the evidence.

2. The Defense believes a tentative date for the Article 32 hearing of 20 August 2010 should be enough time for the three previously-mentioned conditions to be met.

3. The Defense reserves the right to request further delays upon showing good cause for such delay request(s).

ATZC-JA-TDS

4. POC is the undersigned at DSN: 318-847-3047; SVOIP: 302-242-4726.

A handwritten signature in black ink, appearing to read "Paul R. Bouchard", written in a cursive style.

PAUL R. BOUCHARD
CPT, JA
Senior Defense Counsel



DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRIAL DEFENSE SERVICE
DEFENSE COUNSEL ASSISTANCE PROGRAM
ARLINGTON, VIRGINIA 22203

REPLY TO
ATTENTION OF:

JALS-TD

11 August 2010

MEMORANDUM THRU LTC Paul Almanza, 150th Judge Advocate General Detachment,
Legal Support Organization, MG Albert C. Lieber USAR Center, 6901 Telegraph Road,
Alexandria, Virginia 22310

FOR Commander, United States Army Garrison, Joint Base Myer-Henderson Hall, 204 Lee
Avenue, Fort Myer, Virginia 22211-1199

SUBJECT: Delay Request, United States v. Private First Class Bradley Manning,
Headquarters and Headquarters Company, U.S. Army Garrison, Joint Base Myer-Henderson
Hall, Fort Myer, Virginia 22211

1. The Defense requests a delay in the subject court-martial until the inquiry you ordered under the provisions of Rule for Court-Martial 706 is completed. The defense maintains responsibility for this delay because Captain Paul Bouchard initially requested the inquiry from PFC Manning's previous chain of command. This delay would terminate on the date the results of the inquiry are received by PFC Manning's detailed defense counsel.

2. I am the point of contact for any questions or concerns regarding this request. I may be
(b) (6) (b) (6) (b) (6) (cellular phone), and
(b) (6) (email).

THOMAS F. HURLEY
MAJ, JA
Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

12 AUG 2010

IMND-MHII-ZA

MEMORANDUM THRU LTC Paul Almanza, 150th Judge Advocate General Detachment,
Legal Support Organization, MG Albert C. Lieber USAR Center, 6901 Telegraph Road,
Alexandria, VA 22310

FOR MAJ Thomas F. Hurley, U.S. Army, Trial Defense Service, Defense Counsel Assistance
Program, Arlington, VA 22203

SUBJECT: Delay of Article 32 Investigation of PFC Bradley Manning

Your request for delay in the Article 32 investigation of PFC Manning is:

(☒) approved. In accordance with Rule for Courts-Martial (R.C.M.) 707(c), the period
from 11 August 2010 until the R.C.M. 706 Sanity Board completion is excludable defense delay.

(☐) disapproved.

A handwritten signature in black ink, appearing to read "Carl R. Coffman, Jr.", is positioned above the typed name.

CARL R. COFFMAN, JR.
COL, AV
Commanding



DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

REPLY TO
ATTENTION OF

12 AUG 2010

IMND-MIII-ZA

MEMORANDUM FOR Director, Forensic Psychology Fellowship, Walter Reed Army Medical Center, Washington, DC 20307

SUBJECT: Extension of Rule for Courts-Martial (R.C.M.) 706 of PFC Bradley Manning

1. Your request for an extension of time to complete the Sanity Board of PFC Manning is:

() approved. Submit your report NLT three months from the date of this memorandum.

(☒) approved, in part. Submit your report NLT six weeks from the date of this memorandum.

() approved, in part. Submit your report NLT _____.

() disapproved.

2. Any future extension of time must be submitted through the Government counsel to me for approval.

Encl
E-mail Request, 6 Aug 10

A handwritten signature in black ink, appearing to read "Coffman", is located above the typed name.

CARL R. COFFMAN, JR.
COL, AV
Commanding

From: Sweda, Michael G Dr CIV USA MEDCOM WRAMC
To: Hurley, Thomas F MAJ MIL USA OTJAG
Cc: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA; paul.r.bouchard@mnd-b.army.mil; Eaton, Michael L CPT USF-I SJ A Trial Defense Attorney; Lange, Christopher LTC MIL USA MEDCOM WRAMC; Benesh, Samantha M CPT MIL USA MEDCOM MAMC; Hemphill, Marla R LTC MIL USA MEDCOM BAMC
Subject: RE: RCM 706 Order (PFC Manning) (UNCLASSIFIED)
Date: Tuesday, August 10, 2010 10:59:55 AM

Classification: UNCLASSIFIED
 Caveats: NONE

MAJ Hurley:

We will proceed with this plan in mind (initial 6 week suspense date). It is therefore likely that we will need an extension and will so request along with an estimated time to completion if/when needed. Please note that due to scheduling conflicts, we will begin evaluation on 27 August. Please provide all standard relevant documents relates to 706 evaluations, e.g., report of criminal investigation, mental health/medical records, ERB, etc. This may be sent by courier (FedEx or similar service) to:

Michael Sweda, Chief, Forensic Psychology Service
 Walter Reed Army Medical Center
 6900 Georgia Avenue NW
 Bldg 6 (Borden Pavilion), 3rd Floor
 Washington DC 20307

v/r,

Michael Sweda, Ph.D., ABPP (Forensic)
 Board-Certified Forensic Psychologist
 Chief, Forensic Psychology Service
 Director, Forensic Psychology Fellowship Walter Reed Army Medical Center

(b) (6)


"The United States themselves are essentially the greatest poem. Past and present and future are not disjoined but joined."

Original Message-----

From: Hurley, Thomas F MAJ MIL USA OTJAG
[\[mailto:Thomas.fredrick.hurley@us.army.mil\]](mailto:Thomas.fredrick.hurley@us.army.mil)
Sent: Tuesday, August 10, 2010 10:07 AM
To: Sweda, Michael G Dr CIV USA MEDCOM WRAMC
Cc: Fein, Ashden CPT USA JFHQ NCR/MDW SJA; Bouchard, Paul R. CPT USD C DSTB B CO TDS Sr Defense Counsel; Eaton, Michael L. CPT USF I SJ A Trial Defense Attorney
Subject: RE: RCM 706 Order (PFC Manning) (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Dr. Sweda

I am one of PFC Manning's defense counsel. I know we all (the attorneys for both parties) appreciate your prompt attention to this matter, and I know that we all want a thorough evaluation of PFC Manning that follows the order signed by COL Coffman on 3 August. However, we (the defense) would be much more comfortable with an initial six week suspense. If, at the end of that six weeks, you need more time to complete a thorough evaluation, then we would request that you forward a request for an extension that estimates the time required to complete the process.

PFC Manning is in pre trial confinement, and we want to get his case referred to trial sooner rather than later.

On a substantive note, we believe the order signed by COL Coffman is sufficient for the charges now preferred. There are no other additional questions we want you to answer in the course of completing this matter.

Thanks.

v/r
Thomas F. Hurley
MAJ, JA

(b) (6)

Original Message -

From: Sweda, Michael G Dr CIV USA MEDCOM WRAMC

Sent: Friday, August 06, 2010 3:04 PM

To: Hurley, Thomas F MAJ MIL USA OTJAG; (b) (6)

Cc: (b) (6)

(b) (6) Morrow, JoDean CPT MIL USA; Lange, Christopher(

L

LTC MIL USA MEDCOM WRAMC; Montalbano, Paul Dr CIV USA; Malone, Ricky D

COL

MIL USA MEDCOM WRAMC

Subject: RE: RCM 706 Order (PFC Manning) (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

CPT Fein:

I have consulted with LTC Christopher Lange, who is my counterpart as Director of the Forensic Psychiatry Fellowship, regarding the Manning case.

We are in the process of assembling a team for the evaluation, and expect the direct evaluation piece (interview and testing) of this to be completed

in two weeks. Generally, we ask for at least a six week suspense date for completion of a 706 report. In the case of PFC Manning, we would like to request a three month suspense from the date that he is first seen, to allow for a thorough evaluation.

Please feel free to call or e mail if you have any questions.

v/r,

Michael Sweda, Ph.D., ABPP (Forensic)
Board Certified Forensic Psychologist
Chief, Forensic Psychology Service
Director, Forensic Psychology Fellowship Walter Reed Army Medical Center

(b) (6)

"The United States themselves are essentially the greatest poem.
Past and present and future are not disjoined but joined."

-----Original Message-----

From: Hurley, Thomas F MAJ MIL USA OTJAG

(b) (6)

Sent: Thursday, August 05, 2010 2:24 PM

To: Fein, Ashden CPT USA JFHQ NCR/MDW SJA; Sweda, Michael G Dr CIV USA
MEDCOM WRAMC

Cc: (b) (6); Eaton, Michael L CPT USF I SJ A
Trial

Defense Attorney; (b) (6); Morrow, JoDean CPT MIL USA

Subject: RE: RCM 706 Order (PFC Manning) (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Dr. Sweda/CPT Fein

There is no need for the members of the board to have a security clearance.
I will speak with PFC Manning tomorrow about the board and ensure that his answers to your questions do not include any classified information. If he feels he must disclose classified information, then he will let you know that there is more that he wants to say but cannot. CPT Fein and I will then seek an exception to the current order.

v/r

Thomas F. Hurley
MAJ, JA

(b) (6)

--- Original Message

From: Fein, Ashden CPT USA JFHQ NCR/MDW SJA

[mailto:(b) (6)]

Sent: Wednesday, August 04, 2010 12:15 PM

To: Sweda, Michael G Dr CIV USA MEDCOM WRAMC

Cc: Hurley, Thomas F MAJ MIL USA OTJAG; (b) (6);

Eaton, Michael L CPT USF I SJ A Trial Defense Attorney;

(b) (6) Morrow, JoDean CPT MIL USA

Subject: RE: RCM 706 Order (PFC Manning) (UNCLASSIFIED)

Sir,

I do not foresee the need; however I rather defer that answer to MAJ Hurley and the defense team. There is one caveat. A current protective order is in place and it does not authorize the disclosure of any of the classified information related to this case without affirmative authorization. So if there ends up being a need, although doubtful, then the Government will need to work to get an exception to the protective order.

v/r

CPT Fein

Ashden Fein

CPT, JA

Chief, Military Justice

U.S. Army Military District of Washington (MDW)

(b) (6)

Original Message -

From: Sweda, Michael G Dr CIV USA MEDCOM WRAMC

(b) (6)

Sent: Wednesday, August 04, 2010 12:10 PM

To: Fein, Ashden CPT USA JFHQ NCR/MDW SJA

Cc: Hurley, Thomas F MAJ MIL USA OTJAG; (b) (6)

Eaton, Michael L CPT USF I SJ A Trial Defense Attorney;

(b) (6)

Subject: RE: RCM 706 Order (PFC Manning) (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir:

Will the sanity board members require any level of security clearance for this?

v/r,

Michael Sweda, Ph.D., ABPP (Forensic)
Board Certified Forensic Psychologist
Chief, Forensic Psychology Service
Director, Forensic Psychology Fellowship Walter Reed Army Medical Center

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- Original Message

From: Fein, Ashden CPT USA JFHQ NCR/MDW SJA

(b) (6)

Sent: Tuesday, August 03, 2010 11:07 AM

To: Sweda, Michael G Dr CIV USA MEDCOM WRAMC

Cc: Hurley, Thomas F MAJ MIL USA OTJAG; (b) (6)

(b) (6); Rose, Luke CPT USD C SJA Chief, Military
Justice

Subject: RCM 706 Order (PFC Manning)

Importance: High

Sir,

Good morning. Attached is a RCM 706 Board Order for PFC Bradley Manning.

Attached is the order and a copy of the charge sheet. CCed on this email

are the defense counsel (CPT Bouchard, CPT Eaton, and MAJ Hurley).

Please

advise of any delays and if your office needs additional time than the allotted suspense, please forward the request through me for the

Convening

Authority.

v/r

CPT Fein

Ashden Fein

CPT, JA

Chief, Military Justice

U.S. Army Military District of Washington (MDW)

(b) (6)

[REDACTED]

[REDACTED]

[REDACTED]

Classification: UNCLASSIFIED
Caveats: NONE

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Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

From: Sweda, Michael G Dr CIV USA MEDCOM WRAMC
To: Hurley, Thomas F MAJ MIL USA OTJAG
Cc: Fein, Ashden CPT USA JFHQ-NCR/MDW (b) (6); Eaton, Michael L CPT USF-I SJ
 A Trial Defense Attorney; Lange, Christopher LTC MIL USA MEDCOM WRAMC; Benesh, Samantha M CPT MIL
 USA MEDCOM MAMC; Hemphill, Marla R LTC MIL USA MEDCOM BAMC
Subject: RE: RCM 706 Order (PFC Manning) (UNCLASSIFIED)
Date: Tuesday, August 10, 2010 10:59:55 AM

Classification: UNCLASSIFIED
 Caveats: NONE

MAJ Hurley:

We will proceed with this plan in mind (initial 6 week suspense date).
 It is therefore likely that we will need an extension and will so
 request along with an estimated time to completion if/when needed.
 Please note that due to scheduling conflicts, we will begin evaluation
 on 27 August. Please provide all standard relevant documents relates to
 706 evaluations, e.g., report of criminal investigation, mental
 health/medical records, ERB, etc. This may be sent by courier (FedEx or
 similar service) to:

Michael Sweda, Chief, Forensic Psychology Service
 Walter Reed Army Medical Center
 6900 Georgia Avenue NW
 Bldg 6 (Borden Pavilion), 3rd Floor
 Washington DC 20307

v/r,

Michael Sweda, Ph.D., ABPP (Forensic)
 Board Certified Forensic Psychologist
 Chief, Forensic Psychology Service
 Director, Forensic Psychology Fellowship Walter Reed Army Medical Center

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 Sent: Tuesday, August 10, 2010 10:07 AM
 To: Sweda, Michael G Dr CIV USA MEDCOM WRAMC
 Cc: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA; Bouchard, Paul R. CPT USD C
 DSTB B CO TDS Sr Defense Counsel; Eaton, Michael L. CPT USF I SJ A Trial
 Defense Attorney
 Subject: RE: RCM 706 Order (PFC Manning) (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Dr. Sweda

I am one of PFC Manning's defense counsel. I know we all (the attorneys for both parties) appreciate your prompt attention to this matter, and I know that we all want a thorough evaluation of PFC Manning that follows the order signed by COL Coffman on 3 August. However, we (the defense) would be much more comfortable with an initial six week suspense. If, at the end of that six weeks, you need more time to complete a thorough evaluation, then we would request that you forward a request for an extension that estimates the time required to complete the process.

PFC Manning is in pre trial confinement, and we want to get his case referred to trial sooner rather than later.

On a substantive note, we believe the order signed by COL Coffman is sufficient for the charges now preferred. There are no other additional questions we want you to answer in the course of completing this matter.

Thanks.

v/r
Thomas F. Hurley
MAJ, JA

(b) (6)

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Sent: Friday, August 06, 2010 3:04 PM

To: Hurley, Thomas F MAJ MIL USA OTJAG; (b) (6)

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; Morrow, JoDean CPT MIL USA; Lange, Christopher

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LTC MIL USA MEDCOM WRAMC; Montalbano, Paul Dr CIV USA; Malone, Ricky D

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MIL USA MEDCOM WRAMC

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MEDCOM WRAMC

Cc: (b) (6) Eaton, Michael L CPT USF I SJ A

Trial

Defense Attorney: (b) (6) Morrow, JoDean CPT MIL USA

Subject: RE: RCM 706 Order (PFC Manning) (UNCLASSIFIED)

Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED

Caveats: NONE

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To: Sweda, Michael G Dr CIV USA MEDCOM WRAMC

Cc: Hurley, Thomas F MAJ MIL USA OTJAG; (b) (6)

(b) (6)

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Justice

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Importance: High

Sir,

Good morning. Attached is a RCM 706 Board Order for PFC Bradley Manning.
Attached is the order and a copy of the charge sheet. CCed on this email are the defense counsel (CPT Bouchard, CPT Eaton, and MAJ Hurley). Please advise of any delays and if your office needs additional time than the allotted suspense, please forward the request through me for the Convening Authority.

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CPT Fein

Ashden Fein

CPT, JA

Chief, Military Justice

U.S. Army Military District of Washington (MDW)

(b) (6)

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Caveats: NONE

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Caveats: NONE

25 August 2010

MEMORANDUM THRU Staff Judge Advocate, Office of the Staff Judge Advocate, US Army Military District of Washington, Fort Lesley J. McNair, Washington D.C. 30219

FOR Commander, US Army Military District of Washington, Fort Lesley J. McNair, Washington D.C. 20319

SUBJECT: Request for Appointment of Expert with Expertise in Forensic Psychiatry to Assist the Defense in *United States v. PFC Bradley Manning*.

1. On 18 July 2010, the defense requested that a R.C.M. 706 sanity board be appointed in the case of *United States v. Manning*, and that a separate medical expert be appointed to the defense to observe the R.C.M. 706 board.
2. On 25 August 2010, the defense received notification that a R.C.M. 706 board would begin its assessment of PFC Manning on 27 August 2010. The defense requests that the sanity board be delayed until a forensic psychiatrist can be appointed to the defense team. If the government has denied the former request, the defense hereby renews its request.
3. Pursuant to R.C.M. 703(d), PFC Bradley Manning requests that a forensic psychiatrist from another branch of service be designated as a member of the defense team under Military Rule of Evidence M.R.E. 502 and *United States v. Toledo*, 25 M.J. 270 (CMA 1987). PFC Manning also requests that appropriate arrangements be made for the forensic psychiatrist to travel to Quantico, Virginia to evaluate and work with PFC Manning prior to the R.C.M. 706 board.
4. A military accused has, as a matter of Equal Protection and Due Process, a right to expert assistance when necessary to present an adequate defense. *United States v. Garries*, 22 M.J. 288 (CMA 1986); *United States v. Robinson* 39 M.J. 88 (CMA 1994), and *Ake v. Oklahoma*, 470 U.S. 226 (1971). The Court of Appeals for the Armed Forces has embraced a three-part test for determining whether government-funded expert assistance is necessary. The defense must show: "First, why the expert assistance is needed. Second, what would the expert assistance accomplish for the accused. Third, why is the defense unable to gather the evidence that the expert assistant would be able to develop." *United States v. Gonzalez*, 39 M.J. 459 (1994).
5. All of the above requirements for employment of an expert are present and the defense is entitled to have an expert appointed to the defense as a matter of law. The government has begun the process of conducting a sanity board on PFC Manning and is presumably using the best available Army doctors for this purpose. PFC Manning is only requesting a single forensic psychiatrist from another branch of service be appointed to the defense team to assist in understanding and preparing his defense.
 - a. **Why Is Expert Assistance Needed?** Expert assistance is needed to assist the defense in understanding medical information concerning the mental status of PFC Manning on the date(s) of the alleged crimes, to determine whether he is able to understand the nature and quality of the

SUBJECT: Request for Appointment of Expert with Expertise in Forensic Psychiatry to Assist the Defense in *United States v. PFC Bradley Manning*.

wrongfulness of his conduct, to evaluate whether PFC Manning is able to intelligently assist in his defense, and to prepare a possible sentencing case in extenuation and mitigation for the accused. The knowledge required to do this is specialized, and concerns medical and psychiatric data which is beyond the scope of defense counsel's understanding.

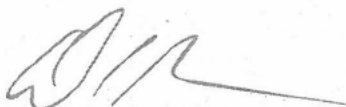
b. What Would the Expert Assistance accomplish for the Accused? A forensic psychiatrist assigned to the defense would assist the defense by explaining complex medical terms and the psychology involved at the time of the alleged crimes. The expert would also administer tests which would aid in potential diagnosis and treatment. Finally, the expert would be able to explain medical research in the field of forensic psychiatry and its relevance to the present case.

c. Why is the Defense Unable to Gather this Evidence on Its Own? The defense has neither the experience nor expertise to adequately prepare this case. The defense counsel needs a basic understanding of psychiatry in order to present the defense case, including the need to prepare defense experts to testify. It would be impossible for the defense to properly prepare without having an individual who has the confidentiality guaranteed to protect the accused. As a member of the defense team, the defense appointed expert can freely discuss the defense theories of the case without fear of compromising PFC Manning's rights.

6. For the above reasons, the defense requests that you issue an order appointing a forensic psychiatrist from another branch of service as an expert; that you instruct him/her that he/she is a "defense representative" and thus part of the defense team, and that matters related to him/her during the course of his employment as a member of the defense team will be confidential. Finally the defense requests that you direct that the R.C.M. 706 board be delayed until the defense appointed forensic psychiatrist can be made available to monitor the examinations conducted by the members of the board. The defense believes that the presence of a member of the defense team will increase PFC Manning's willingness to cooperate with the sanity board. Moreover, it will ensure that the defense team has first-hand knowledge of the accuracy and quality of all examinations conducted by the members of the board. This will ultimately reduce the need for future litigation on such issues.

7. The POC is the undersigned at (b) (6) or by e-mail at

(b)
(6)



DAVID E. COOMBS
Civilian Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

25 AUG 2010

IMND-MHH-ZA

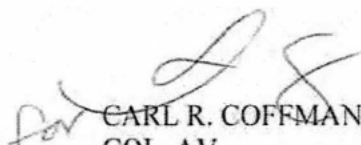
MEMORANDUM FOR Director, Forensic Psychology Fellowship, Walter Reed Army Medical Center, Washington, DC 20307

SUBJECT: Defense Delay Request of R.C.M. 706 Sanity Board of PFC Bradley Manning

I reviewed the defense request to delay the R.C.M. 706 Sanity Board for PFC Manning. The request is:

(*X*) *Amc for CFC* approved. The Sanity Board is delayed until the GCMCA takes action on the defense request for appointment of a forensic psychiatry expert consultant. The period between 27 August 2010 and until the GCMCA takes action on the defense request is excludable delay under R.C.M. 707(c).

() disapproved. The Sanity Board will proceed as previously ordered.

for 
CARL R. COFFMAN, JR.
COL, AV
Commanding

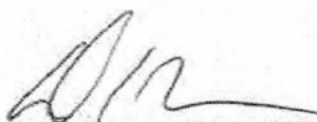
2 September 2010

MEMORANDUM THRU Staff Judge Advocate, Office of the Staff Judge Advocate, US Army
Military District of Washington, Fort Lesley J. McNair, Washington D.C. 30219

FOR Commander, US Army Military District of Washington, Fort Lesley J. McNair,
Washington D.C. 20319

SUBJECT: Request for Appointment of Expert with Expertise in Forensic Psychiatry to Assist
the Defense in *United States v. PFC Bradley Manning*.

1. On 25 August 2010, the defense requested that the R.C.M. 706 board be delayed until a forensic psychiatrist could be appointed to the defense team.
2. The defense would like to supplement their 25 August 2010 memorandum by requesting that any defense appointed expert possess a Top Secret – Sensitive Compartmented Information (TS-SCI) clearance.
3. OC is the undersigned at (b) (6) or by e-mail at (b) (6) c (b) (6)


DAVID E. COOMBS
Civilian Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

12 OCT 2010

MEMORANDUM FOR Mr. David E. Coombs, Civilian Defense Counsel

SUBJECT: Appointment of Defense Expert Consultant in Forensic Psychiatry - U.S. v. PFC Bradley Manning

1. I reviewed your request for appointment of an expert consultant in forensic psychiatry for the defense in the above-named case. After careful consideration, the defense request is:

(*CB*) approved. I appoint COL David M. Benedek as an expert consultant in the above-named case. I further direct that COL Benedek be designated a member of the defense team under U.S. v. Toledo, 25 M.J. 270 (C.M.A. 1987) and Military Rule of Evidence 502. This expert appointment is at no expense to the United States beyond mileage reimbursement, if authorized.

() disapproved.

2. The senior member of the RCM 706 board, in consultation with the accused's primary care behavioral health provider, will determine the extent to which COL Benedek may participate in the RCM 706 inquiry, including whether the defense expert consultant may be permitted to monitor the examinations conducted by members of the RCM 706 board.

CARL R. COFFMAN, JR.
COL, AV
Commanding

26 August 2010

MEMORANDUM THRU Staff Judge Advocate, Office of the Staff Judge Advocate, US Army
Military District of Washington, Fort Lesley J. McNair, Washington D.C. 30219

FOR Commander, US Army Military District of Washington, Fort Lesley J. McNair,
Washington D.C. 20319

SUBJECT: Request for Delay in the R.C.M. 706 Board to Comply with Prohibitions on
Disclosure of Classified Information in *United States v. PFC Bradley Manning*.

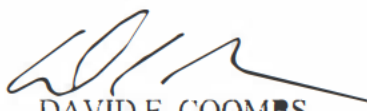
1. Pursuant to Executive Order 12958, Section 4.1, defense counsel hereby requests the convening authority delay the R.C.M. 706 board until procedures can be adopted to safeguard any classified information that will be discussed during the board's determination.
2. In support of this request, the defense provides the following:
 - a. On 25 August 2010 defense counsel spoke with PFC Manning telephonically to determine if he would need to discuss classified information during the R.C.M. 706 board inquiry.
 - b. Based upon our discussions with PFC Manning, the defense counsel believes that in order for him to participate in the R.C.M. 706 process and aid the members in their determination of his mental state at the time of the alleged incidents, he will need to divulge classified information.
 - c. The information that PFC Manning will need to divulge will be Secret Sensitive Compartmented Information and Top Secret Sensitive Compartmented Information.
3. Based on the preceding information, the defense requests that the Government determine from the Original Classification Authority (OCA) that the R.C.M. 706 has a "need to know" as part of their assessment of PFC Manning's mental condition.
4. Additionally, pursuant to Executive Order 12958, 12968, and 13292 the defense requests that all members of the R.C.M. 706 board possess the requisite security clearances and that all required steps are taken in order to safeguard the information that they receive from PFC Manning.
5. Since board members notes and any recordings will contain references to classified information, the defense requests that the government appoint a security officer to the board to assist them in the proper handling of their notes and disposal of any information that may contain references to classified information.
6. The defense also requests the results of the government's classification review by the OCA. Specifically, the determination of the classification review regarding (1) the classification level of the information alleged to have been disclosed by PFC Manning when it was subjected to

SUBJECT: Request for Delay in the R.C.M. 706 Board to Comply with Prohibitions on Disclosure of Classified Information in *United States v. PFC Bradley Manning*.

compromise; (2) a determination whether another command requires review of the information; and (3) the general description of the impact of disclosure on affected operations.

7. Finally, the defense requests strict compliance with the disclosure prohibitions of Military Rules of Evidence 302 and R.C.M. 706. Specifically, the defense requests that the board members are informed of the restrictions on disclosure referenced in R.C.M. 706 (c)(5).

8. The POC is the undersigned at (b) (6) or by e-mail at (b) (6)


DAVID E. COOMBS
Civilian Defense Counsel



REPLY TO
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DEPARTMENT OF THE ARMY
JOINT BASE MYER HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MI III-ZA

17 September 2010

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Protective Order for Classified Information – United States v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this Protective Order is to prevent the unauthorized disclosure or dissemination of classified national security information in the subject named case. This Protective Order covers all information and documents previously available to the accused in the course of his employment with the United States Government or which have been, or will be, reviewed or made available to the accused, defense counsel, and other recipients of classified information in this case.

2. **APPLICABILITY.** "Persons subject to this Protective Order" include the following:

- a. the Accused;
- b. Military and Civilian Defense Counsel and Detailed Military Paralegals;
- c. Members of the Defense Team IAW M.R.E. 502 and U.S. v. Toledo, 25 M.J. 270 (C.M.A. 1987);
- d. Security Officers;
- e. Members of the Rule for Courts-Martial 706 Inquiry Board; and
- f. Behavioral Health Providers for the Accused.

3. **ORDER.** In order to protect the national security and pursuant to the authority granted under Military Rule of Evidence (MRE) 505, relevant executive orders of the President of the United States, and regulations of the Departments of Defense and of the Army, it is hereby ORDERED:

- a. The procedures set forth in this Protective Order and the authorities referred to above will apply to the Rule for Courts-Martial (RCM) 706 inquiry, Article 32 investigation, pretrial, trial, post-trial, and appellate matters concerning this case.
- b. The term "classified information" refers to:
 - (1) any classified document (or information contained therein);

IMND-MHII-ZA

SUBJECT: Protective Order for Classified Information United States v. PFC Bradley Manning

(2) information known or that reasonably should be known by persons subject to this Protective Order to be classifiable. If persons subject to this Protective Order are uncertain as to whether the information is classified, they must confirm whether the information is classified;

(3) classified documents (or information contained therein) disclosed to persons subject to this Protective Order as part of the proceedings in this case;

(4) classified documents and information which have otherwise been made known to persons subject to this Protective Order and which have been marked or described as: "CONFIDENTIAL", "SECRET", or "TOP SECRET".

c. All such classified documents and information contained therein shall remain classified unless such classified information bear clear indication they have been declassified by the government agency or department that originated the document or information contained therein (hereinafter referred to as "original classification authority").

d. The words "documents" or "associated materials" as used in this Protective Order include, but are not limited to, all written or printed matter of any kind, formal or informal, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise, including, without limitation, papers, correspondence, memoranda, notes, letters, telegrams, reports, summaries, inter-office and intra-office communications, notations of any sort, bulletins, teletypes, telefax, invoices, worksheets, and all drafts, alterations, modifications, changes, and amendment of any kind to the foregoing, graphic or aural records or representations of any kind, including, without limitation, photographs, charts, graphs, microfiche, microfilm, video tapes, sound recordings of any kind, motion pictures, any electronic, mechanical or electric records or representations of any kind, including, without limitation, tapes, cassettes, CDs, DVDs, thumbdrives, hard drives, other recordings, films, typewriter ribbons and word processor discs or tapes.

e. The word "or" should be interpreted as including "and", and vice versa; "he" should be interpreted as including "she", and vice versa.

f. Persons subject to this Protective Order are advised that direct or indirect unauthorized disclosure, retention, or negligent handling of classified information could cause serious and, in some cases, exceptionally grave damage to the national security of the United States, or may be used to the advantage of a foreign nation against the interests of the United States. These security procedures are designed to ensure that persons subject to this Protective Order will never divulge the classified information disclosed to them to anyone who is not authorized to receive it, without prior written authorization from the original classification authority and in conformity with these procedures.

g. Persons subject to this Protective Order are admonished that they are obligated by law and regulation not to disclose any classified information in an unauthorized fashion.

IMND-MIHI-ZA

SUBJECT: Protective Order for Classified Information – United States v. PFC Bradley Manning

h. Persons subject to this Protective Order are admonished that any breach of the security procedures in this Protective Order may result in the termination of their access to classified information. In addition, they are admonished that any unauthorized disclosure, possession, or handling of classified information may constitute violations of United States criminal laws, including but not limited to, the provisions of Sections 641, 793, 794, 798, and 952, Title 18, United States Code, and Sections 421 and 783(b), Title 50, United States Code. In addition, for those persons who are attorneys, a report will be filed with their State Bar Association.

4. Prior to any RCM 706 inquiry, Article 32 investigation, or court-martial proceeding, a security officer will be appointed in writing and served with a copy of this protective order.

5. Personnel Security Investigations and Clearances

a. The storage, handling, and control of classified information requires special security precautions mandated by statute, executive orders, and regulations, and access to which require a security clearance.

b. Once a person subject to this Protective Order obtains a security clearance and executes a non-disclosure agreement (SF 312), that person is eligible for access to classified information, subject to the convening authority's disclosure determination.

c. As a condition of receiving classified information, any retained civilian defense counsel will agree to the conditions specified herein and execute all necessary forms so that the Department of the Army may complete the necessary personnel security investigation to make a determination whether to grant access. Any retained civilian defense counsel will also sign the Acknowledgment of Protective Order (hereinafter "Acknowledgment"). Any retained civilian defense counsel shall also sign a standard form nondisclosure agreement (SF 312) as a condition of access to classified information.

d. In addition to the Acknowledgment, any person who as a result of this case gains access to information contained in any Department of the Army Special Access Program, as that term is defined in Executive Order 13526 [or for events occurring before 27 June 2010, E.O. 12958], or to Sensitive Compartmented Information (SCI), shall sign any nondisclosure agreement which is specific to that Special Access Program or to that Sensitive Compartmented Information.

e. All other requests for clearances for access to classified information in this case for persons not named in this Protective Order or for clearances to a higher level of classification, shall be made through the trial counsel to the convening authority.

f. The security procedures contained in this Protective Order shall apply to any civilian defense counsel retained by the accused, and to any other persons who may later receive classified information from the U.S. Department of the Army in connection with this case.

6. Handling and Protection of Classified Information

IMND-MIII-ZA

SUBJECT: Protective Order for Classified Information United States v. PFC Bradley Manning

a. All persons subject to this Protective Order shall seek guidance from their respective security officers with regard to the appropriate storage and use of classified information.

b. The defense security officer will ensure appropriate physical security protection for any materials prepared or compiled by the defense, or by any person in relation to the preparation of the accused's defense or submission under MRE 505. The materials and documents (defined above) requiring physical security include, without limitation, any notes, carbon papers, letters, photographs, drafts, discarded drafts, memoranda, typewriter ribbons, computer diskette, CD/DVDs, magnetic recording, digital recordings, or other documents or any kind or description.

c. Classified information, or information believed to be classified, shall only be discussed in an area approved by a security officer, and in which persons not authorized to possess such information cannot overhear such discussions.

d. No one shall discuss any classified information over a standard commercial telephone instrument, an inter-office communication system, or in the presence of any person who is not authorized to possess such information.

e. Written materials prepared for this case by persons subject to this Protective Order shall be transcribed, recorded, typed, duplicated, copied, or otherwise prepared only by persons who have received access to classified information pursuant to the security procedures contained in this Protective Order.

f. All mechanical devices, of any kind, used in the preparation or transmission of classified information in this case may be used only with the approval of a security officer.

g. Upon reasonable advance notice to the trial counsel or a security officer, defense counsel shall be given access during normal business hours and at other times on reasonable request, to classified documents which the government is required to make available to defense counsel but elects to keep in its possession. Persons permitted to inspect classified documents by this Protective Order may make written notes of the documents and their contents. Notes of any classified portions of these documents, however, shall not be disseminated or disclosed in any manner or form to any person not subject to this Protective Order. Such notes will be secured in accordance with the terms of this Protective Order. Persons permitted to have access to classified documents will be allowed to view their notes within an area designated by a security officer. No person permitted to inspect classified documents by this Protective Order, including defense counsel, shall copy or reproduce any part of said documents or their contents in any manner or form, except as provided by a security officer, after he has consulted with the trial counsel.

h. The persons subject to this Protective Order shall not disclose the contents of any classified documents or information to any person not named herein, except the trial counsel and military judge.

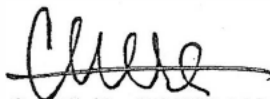
IMND-MHH-ZA

SUBJECT: Protective Order for Classified Information United States v. PFC Bradley Manning

i. All persons given access to classified information pursuant to this Protective Order are advised that all information to which they obtain access by the Protective Order is now and will forever remain the property of the United States Government. They shall return all materials which may have come into their possession, or for which they are responsible because of such access, upon demand by a security officer.

j. All persons subject to this Protective Order shall sign the Acknowledgment, including the defense counsel and accused. The signing and filing of this Acknowledgment is a condition precedent to the disclosure of any classified information to any person subject to this Protective Order.

7. This Protective Order supersedes all previous protective orders. Nothing contained in this Protective Order shall be construed as a waiver of any right of the accused.



CARL R. COFFMAN, JR
COL, AV
Commanding

DISTRIBUTION:

1-Trial Counsel
1-Civilian Defense Counsel
1-Senior Military Defense Counsel
1-Accused
1-Defense Experts
1-R.C.M. 706 Inquiry Board

REPLY TO
ATTENTION OFDEPARTMENT OF THE ARMY
JOINT BASE MYER HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MI III-ZA

17 September 2010

MEMORANDUM FOR Mr. David E. Coombs, Civilian Defense Counsel

SUBJECT: Preliminary Classification Review of the Accused's Mental Impressions - U.S v. PFC Bradley Manning

1. According to your four requests, dated 25 August 2010, 26 August 2010, 3 September 2010 (Expert), and 3 September 2010 (Defense Team), the accused's mental impressions are potentially classified TS/SCI, which would require defense counsel, the RCM 706 board, and any defense expert to possess security clearances at the TS/SCI level, in order to allow the accused to fully participate in his defense and board.
2. **Order.** No later than 24 September 2010 and absent an extension by me, the accused is ordered to meet with your security expert consultant and disclose the classified information, he wishes to discuss with you, the defense team, his detailed behavioral health providers, and the RCM 706 board. Your security expert will take notes and conduct a preliminary classification review of this information.
3. **Preliminary Classification Review.** No later than 4 October 2010 and absent an extension by me, the defense security expert consultant will conduct his preliminary classification review of the information and provide you and the Trial Counsel with a brief summary of the review, without releasing any privileged and substantive information from the accused's disclosures.
4. Should the defense expert initially classify the disclosed information at a level above Secret, the United States will continue to work diligently to comply with your requests to have defense counsel, the defense expert, and the RCM 706 board fully cleared to discuss classified matters with the accused.
5. The notes from the defense security expert's meeting with the accused will remain privileged and be turned over to you at the conclusion of the preliminary review, subject to any security concerns that may be raised by the information.

A handwritten signature in black ink, appearing to read "Coffman", is positioned above the typed name.

CARL R. COFFMAN, JR.
COL, AV
Commanding

18 September 2010

MEMORANDUM THRU Staff Judge Advocate, Office of the Staff Judge Advocate, US Army
Military District of Washington, Fort Lesley J. McNair, Washington D.C. 30219

FOR Commander, US Army Garrison, Joint Base Myer-Henderson Hall, Fort Myer, Virginia
22211

SUBJECT: Preliminary Classification Review of the Accused's Mental Impressions *United States v. PFC Bradley Manning*

1. The defense believes that your order, dated 17 September 2010, directing PFC Manning to disclose the classified information that he wishes to discuss with his defense counsel and the Rules for Court-Martial (R.C.M.) 706 board to Mr. Charles Ganiel prior to disclosing this information to his civilian and military defense counsel is not a lawful order and in contravention of the holding of the Court of Appeals for the Armed Forces (C.A.A.F.) in *United States v. Schmidt*, 60 M.J. 1 (C.A.A.F. 2004). The order attempts to circumvent the important role of the attorney-client relationship in maintaining the fairness and integrity of the military justice system. As such, it is a violation of PFC Manning's rights under the Sixth Amendment and Article 27 of the Uniform Code of Military Justice to the effective assistance of counsel in preparing a defense. *Schmidt*, at 2, citing *United States v. King*, 53 M.J. 425 (C.A.A.F. 2000).

2. In *Schmidt*, the appellant was charged with dereliction of duty for failing to exercise appropriate flight discipline and failing to comply with rules of engagement and special instructions in an air-to-ground bombing incident that caused the deaths of several Canadian soldiers in Afghanistan. The appellant was privy to classified information pertaining to his case. The military judge ruled, and the Air Force Court of Criminal Appeals (A.F.C.C.A.) affirmed, that the appellant could not discuss the classified aspects of his case with his civilian defense counsel (who eventually obtained an interim security clearance) without submitting a request through the trial counsel. The C.A.A.F. vacated the A.F.C.C.A. opinion and reversed the ruling of the military judge, holding that Military Rule of Evidence (M.R.E.) 505 "does not require an accused, without benefit of his own counsel, to engage in adversarial litigation with opposing counsel as a precondition to discussing with defense counsel potentially relevant information" that is already in the appellant's knowledge or possession. *Schmidt*, 60 M.J. at 2. As such, the government cannot create a "classified information wall" between the accused and his defense counsel as a precondition to the client being able to speak to his civilian and military defense counsel. *Id.*

3. The defense is well aware of its obligations to safeguard classified information under Army Regulation 380-5 and 18 U.S.C. §§ 793, 794, and 798 and 50 U.S.C. § 421. Based upon this knowledge, on 30 August 2010, the defense voluntarily returned classified information that was given to it by the government without legal authority or proper authorization. See Attachment A. Likewise, on 25 August 2010, the defense alerted the government to the concern of classified information being divulged during the R.C.M. 706 process. As such, the defense renews its request that each defense counsel receive at least Top Secret Sensitive Compartmented

SUBJECT: Preliminary Classification Review of the Accused's Mental Impressions *United States v. PFC Bradley Manning*

Information (TS-SCI) clearance. The defense team is currently comprised of the following counsel: Mr. David Coombs (MAJ(P) in the United States Army Reserves); MAJ Matthew J. Kemkes; and CPT Paul R. Bouchard.

4. Additionally, the defense renews its request for limited authorization for PFC Manning's access to classified information. It is likely that PFC Manning's access has been suspended due to the preferred charges. It is anticipated that the defense will need to discuss and share access to the classified information at issue in this case with our client. Therefore, the defense requests authorization for limited access to classified information by the accused in accordance with M.R.E. 505(d)(4).

5. In order to comply with the preparation and filing of M.R.E. 505(h) notice, the defense requests that the protective order dated 17 September 2010 be amended to reflect the following additional guidance:

a. The accused and defense counsel shall prepare forthwith, but in no event later than ____ business days before any R.C.M. 706 Board, Article 32 Investigation, or court hearing, a brief written description of any information known or believed to be classified, which the accused reasonably expects to disclose or cause to be disclosed in any pre-trial motion or proceeding, or at trial of this case, hereinafter referred to as "the Accused's Disclosure Notice"), as required under Military Rule of Evidence 505(h).

b. For purposes of preparing the Accused's Disclosure Notice, defense counsel, subject to compliance with the applicable provisions of this Order, shall be allowed to discuss, communicate and receive information from the accused concerning any matter believed by the accused to contain, involve or relate to classified information, and believed by the accused to relate to this case. Any retained civilian defense counsel shall also comply with the provisions of this Order before having access to said classified information.

c. The accused, through counsel, shall advise the Convening Authority and the trial counsel when he has prepared or possesses the Accused's Disclosure Notice or any other material which the accused or counsel believes contains classified information, which he intends to offer at any R.C.M. 706 Board, the Article 32 Investigation, file in court or use in court, and shall then deliver to the Court Security officer directly, or by means of a courier designated by the Court Security Officer, the Accused's Disclosure Notice and all copies thereof, or any other pleadings. All Associated materials and other documents of any kind or description containing any of the information in the Accused's Disclosure Notice shall be stored under conditions prescribed by the Court Security Officer.

d. Until further Order of the Convening Authority or the Court, the Accused Disclosure Notice and all other written pleadings shall be delivered to the Court Security Officer. The time of delivery to the Court Security Officer shall be considered the date of filing. The Court Security Officer shall promptly review such pleadings and shall determine with the assistance and consultation of the attorney for the government and any personnel from any agency

SUBJECT: Preliminary Classification Review of the Accused's Mental Impressions *United States v. PFC Bradley Manning*

necessary to make such determination, whether any of the material submitted is classified, and the level of classification of any such material. If the pleading or information does not contain any classified information, the Court Security Officer shall forward it immediately to the R.C.M. 706 Board or Article 32 Investigating Officer or Court for routine filing. If the pleading does contain classified information, or information which might lead to or cause the disclosure of classified information, the Court Security Officer shall, after consultation with the trial counsel and original classification authority:

- (1) mark it appropriately;
- (2) give a marked copy to the trial counsel;
- (3) have the original filed under seal and stored under appropriate security

conditions.

In this way, any documents containing classified information (or information believed to be classified and which must undergo a classification determination) which are filed shall be sealed by order of the Convening Authority.

6. The defense requests acknowledgement of receipt of this response. The defense further requests that the Convening Authority rescind his "Preliminary Classification Review Order" dated 17 September 2010 and amend his "Protective Order" as discussed above.

7. The POC is the undersigned at (b) (6) 7 or by e-mail at (b) (6)


DAVID E. COOMBS
Civilian Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

22 September 2010

MEMORANDUM FOR Mr. David E. Coombs, Civilian Defense Counsel

SUBJECT: Preliminary Classification Review of the Accused's Mental Impressions - U.S. v. PFC Bradley Manning

1. According to your four requests, dated 25 August 2010, 26 August 2010, 3 September 2010 (Expert), and 3 September 2010 (Defense Team), the accused's mental impressions are potentially classified TS/SCI, which would require defense counsel, the RCM 706 board, and any defense expert to possess security clearances at the TS/SCI level, in order to allow the accused to fully participate in his defense and board.
2. **Order.** No later than 8 October 2010 and absent an extension by me, the accused is ordered to meet with your security expert consultant and disclose the classified information the accused wishes to discuss with you, the defense team, his detailed behavioral health providers, and the RCM 706 board. Your security expert will take notes and conduct a preliminary classification review of this information.
3. **Preliminary Classification Review.** No later than two weeks after the accused's final interview and absent an extension by me, the defense security expert consultant will conduct his preliminary classification review of the information and provide an unclassified written response to the following questions:
 - a. *Is the information provided by the accused classified at a level above Secret ("Yes" or "No")?*
 - b. *If any of the information provided by the accused is classified above Secret, does any of the information fall within SCI compartments, and if so, what compartments?*
4. Should the defense expert initially classify the disclosed information at a level above Secret, the United States will continue to work diligently to comply with your requests to have defense counsel, the defense expert, and the RCM 706 board fully cleared to discuss classified matters with the accused. I will also make a determination on whether to authorize the accused to disclose his classified information to the RCM 706 board and his behavioral health providers.
5. The notes from the defense security expert's meeting with the accused will remain privileged and be turned over to you at the conclusion of the preliminary review, subject to any security concerns that may be raised by the information. Under no circumstances should your security

IMND-MHH-ZA

SUBJECT: Preliminary Classification Review of the Accused's Mental Impressions - U.S. v.
PFC Bradley Manning

expert consultant release any privileged or substantive information from the accused's disclosures to anyone outside of the defense team.

6. The sole purpose of this preliminary classification review is to provide the defense and United States with a basis for granting security clearances to the defense team and the accused's behavioral health providers, and determining the appropriate level of classification for the RCM 706 board. This preliminary classification review is not a substitute for an official classification review conducted by an original classification authority (OCA) or an official designated by an OCA.

7. This order supersedes my order dated 17 September 2010.



CARL R. COFFMAN, JR.
COL, AV
Commanding

28 September 2010

MEMORANDUM THRU Staff Judge Advocate, Office of the Staff Judge Advocate, US Army
Military District of Washington, Fort Lesley J. McNair, Washington D.C. 30219

FOR Commander, US Army Garrison, Joint Base Myer-Henderson Hall, Fort Myer, Virginia
22211

SUBJECT: Preliminary Classification Review of the Accused's Mental Impressions – *United States v. PFC Bradley Manning*

1. The defense has received your superseding preliminary classification order dated 22 September 2010. The defense has discussed this order with PFC Bradley Manning and with the defense appointed security expert, Mr. Charles Ganiel.

2. Based upon the defense's discussions with Mr. Ganiel, the preliminary classification review cannot be started until the following issues have been resolved:

a. Approved Facility: Mr. Ganiel does not believe that the Quantico Confinement Facility has the required area in order to speak to PFC Manning about any classified information. Specifically, for any Sensitive Compartmented Information (SCI), the discussion and storage of the information received must be in a facility that meets the structural and security requirements for a Sensitive Compartmented Information Facility (SCIF). SCI material cannot be viewed or discussed unless in a SCIF in accordance with DoD 5105-21-M-1, chapter 3, page 3-1, paragraph A(4). Therefore, unless Mr. Ganiel conducts his discussions with PFC Manning in an approved SCIF, he will not be able to begin his preliminary classification review.

b. Limited Access: It is likely that PFC Manning's access to classified information has been suspended due to the preferred charges. Mr. Ganiel will not be able to discuss or validate any classified information with PFC Manning unless PFC Manning is given an interim clearance. Additionally, PFC Manning will not have access to any secured sites, specifically a SCIF, unless he has the requisite security clearance. See DoD 5105-21-M-1.


c. Storage: Mr. Ganiel will need the government to provide him with a Government Service Administration (GSA) approved security container to store Secret and Confidential information. Additionally, Mr. Ganiel will need the same GSA approved security container with the requisite additional security precautions for the storage of Top Secret information in accordance with Army Regulation 380-5, chapter 7, paragraph 7-4. Finally, Mr. Ganiel will need to have access to a SCIF to store any Special Access Program (SAP) or SCI information in accordance with DoD 5105-21-M-1, chapter 3, page 3-10.

d. Verification: Anything revealed to Mr. Ganiel has to be verified before he can make a determination whether it is classified and, if necessary, its level of classification. This is a time consuming process that Mr. Ganiel does not believe can be completed within the time restrictions listed in the preliminary classification review order.

SUBJECT: Preliminary Classification Review of the Accused's Mental Impressions - *United States v. PFC Bradley Manning*

e. Additional Security Expert: Given the task required by the preliminary classification review order, Mr. Ganiel has requested that an additional security expert be appointed to the defense team. Mr. Ganiel believes that the additional expert will help expedite the process by assisting him in reviewing the information, conducting document verification, conducting document preparation, and by providing a second opinion regarding information that is either SCI or is part of a SAP.

3. The POC is the undersigned at (b) (6) or by e-mail at (b) (6).


DAVID E. COOMBS
Civilian Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

12 OCT 2010

IMND-MHH-ZA

MEMORANDUM FOR Mr. David E. Coombs, Civilian Defense Counsel

SUBJECT: Appointment of Additional Defense Security Expert Consultant – U.S. v. PFC
Bradley Manning

In response to your request for an additional security expert dated 28 September 2010, I appoint Mr. Cassius N. Hall, U.S. Army Intelligence and Security Command, as an additional expert consultant in security matters for the defense in the above-named case. I further direct that Mr. Hall be designated a member of the defense team under U.S. v. Toledo, 25 M.J. 270 (C.M.A. 1987) and Military Rule of Evidence 502. This expert appointment is at no expense to the United States beyond mileage reimbursement, if applicable.

A handwritten signature in black ink, appearing to read "C. Coffman", is positioned above the typed name.

CARL R. COFFMAN, JR.
COL, AV
Commanding



DEPARTMENT OF THE ARMY
UNITED STATES ARMY TEST AND EVALUATION COMMAND
 4120 SUSQUEHANNA AVENUE
 ABERDEEN PROVING GROUND, MD 21005-3103

13 December 2010

MEMORANDUM THRU Staff Judge Advocate, Office of the Staff Judge Advocate, US Army
 Military District of Washington, Fort Lesley J. McNair, Washington D.C. 30219

FOR Commander, US Army Garrison, Joint Base Myer-Henderson Hall, Fort Myer, Virginia
 22211

SUBJECT: Preliminary Classification Review of the Accused's Mental Impressions *United States v. PFC Bradley Manning*

1. The defense security expert consultants have completed their preliminary classification review. Based upon your memorandum dated 22 September 2010, here are the unclassified written responses to your questions:

a) *Is the information provided by the accused classified at a level above Secret?*

Answer: Yes.

b) *If any of the information provided by the accused is classified above Secret, does any of the information fall within SCI compartments?* **Answer: Yes.**

c) *Which compartments?* **Answer: Gamma, HUMINT and SIGINT.**

2. The points of contact for this memorandum are the undersigned Mr. Charles J. Ganiel (b) (6) and Mr. Cassius N. Hall at (b) (6)

CHARLES J. GANIEL
 Command, SSO
 Army Test & Evaluation Command
 Alexandria, VA

CASSIUS N. HALL
 Information Security Division, G2
 Intelligence and Security Command
 Fort Belvoir, VA



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

12 OCT 2010

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) U.S. v. PFC Bradley Manning


1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 12 July 2010 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities (OCA) reviews of classified information.
 - b. Defense Request for Sanity Board, dated 11 July 2010 and Defense Renewed Request for Sanity Board, dated 18 July 2010 (enclosed).
 - c. Defense Request for Appointment of Expert with Expertise in Forensic Psychiatry to Assist the Defense, dated 25 August 2010 (enclosed).
 - d. Defense Request for Delay in the RCM 706 Board to Comply with Prohibitions on Disclosure of Classified Information, dated 26 August 2010 (enclosed).
 - e. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - f. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - g. Preliminary Classification Review of the Accused's Mental Impressions, dated 17 September 2010 (enclosed), and Superseding Order, dated 22 September 2010 (enclosed).
 - h. Defense Response to the Preliminary Classification Review of the Accused's Mental Impressions, dated 28 September 2010 (enclosed).

IMND-MHH-ZA

Accounting of Excludable Delay under Rule for Courts-Martial 707(c) U.S. v. PFC Bradley Manning

4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.

Encls
as



CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

10 NOV 2010

IMND-MHH-ZA

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – U.S. v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.

2. **EXCLUDABLE DELAY.** The period from 12 October 2010 until the date of this memorandum is excludable delay under RCM 707(c).

3. **BASIS OF DELAY.** The above delay is based on the following defense requests, responses, and the facts and circumstances of this case:

- a. Original Classification Authorities (OCA) reviews of classified information.
- b. Defense Request for Sanity Board, dated 11 July 2010 and Defense Renewed Request for Sanity Board, dated 18 July 2010 (enclosed).
- c. Defense Request for Delay in the RCM 706 Board to Comply with Prohibitions on Disclosure of Classified Information, dated 26 August 2010 (enclosed).
- d. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
- e. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
- f. Preliminary Classification Review of the Accused's Mental Impressions, dated 17 September 2010 (enclosed), and Superseding Order, dated 22 September 2010 (enclosed).

4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.

Encls
as

CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

17 DEC 2010

IMND-MHH-ZA

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – U.S. v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.

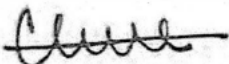
2. **EXCLUDABLE DELAY.** The period from 10 November 2010 until the date of this memorandum is excludable delay under RCM 707(c).

3. **BASIS OF DELAY.** The above delay is based on the following defense requests, responses, and the facts and circumstances of this case:

- a. Original Classification Authorities (OCA) reviews of classified information.
- b. Defense Request for Sanity Board, dated 11 July 2010 and Defense Renewed Request for Sanity Board, dated 18 July 2010 (enclosed).
- c. Defense Request for Delay in the RCM 706 Board to Comply with Prohibitions on Disclosure of Classified Information, dated 26 August 2010 (enclosed).
- d. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
- e. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).

4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.

Encls
as


CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

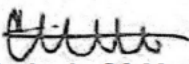
14 JAN 2011

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – U.S. v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 17 December 2010 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities (OCA) reviews of classified information.
 - b. Defense Request for Sanity Board, dated 11 July 2010 and Defense Renewed Request for Sanity Board, dated 18 July 2010 (enclosed).
 - c. Defense Request for Delay in the RCM 706 Board to Comply with Prohibitions on Disclosure of Classified Information, dated 26 August 2010 (enclosed).
 - d. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - e. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed).

Encls
as


CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

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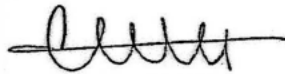
15 Feb 2011

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – U.S. v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 14 January 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities (OCA) reviews of classified information.
 - b. Defense Request for Sanity Board, dated 11 July 2010 and Defense Renewed Request for Sanity Board, dated 18 July 2010 (enclosed). Completed 3 February 2011 (enclosed).
 - c. Defense Request for Delay in the RCM 706 Board to Comply with Prohibitions on Disclosure of Classified Information, dated 26 August 2010 (enclosed). Completed 31 January 2011.
 - d. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - e. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed). Completed 3 February 2011.
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed).

Encls
as


CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel

TAB 2



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

3 FEB 2011

MEMORANDUM FOR Chief, Forensic Psychology, Walter Reed Army Medical Center,
Washington, DC 20307 5001

SUBJECT: Order to Resume Conducting Sanity Board - PFC Bradley Manning

1. **Background.** On 3 August 2010, I ordered a medical examination into the mental capacity and mental responsibility of PFC Bradley Manning, xxx-xx-(b), Headquarters and Headquarters Company, U.S. Army Garrison, Fort Myer, Virginia, 22211. Prior to the board beginning their assessment, I received a request from defense counsel on 25 August 2010 to delay the board until an expert consultant in forensic psychiatry could be appointed to the defense team. I approved that defense delay request on the same day. On 26 August 2010, I received an additional defense request to delay the board until procedures could be adopted to have the board comply with disclosure prohibitions on classified information. I approved that delay and subsequently addressed defense concerns involving the disclosure of classified information during the board process.

2. **Order.** I order your team to resume the medical examination into the mental capacity and mental responsibility of PFC Bradley Manning.

3. **Reasons.** The reasons for my previous order were based on the information contained in the Defense Request for Sanity Board, dated 11 July 2010 and the Defense Renewed Request for Sanity Board, dated 18 July 2010. According to the defense request, PFC Manning had been diagnosed with adjustment disorder with mixed disturbances of emotions and conduct. The defense alleged that PFC Manning's leadership repeatedly expressed concerns about his mental health, and PFC Manning was placed on suicide watch while in pretrial confinement in Kuwait.

4. **Composition of the Board.** In accordance with Rule for Courts-Martial (R.C.M.) 706(c), the board shall consist of one or more persons who are physicians or clinical psychologists. Defense requested that the board consist of three members, including at least one forensic psychiatrist, one forensic psychologist, and one neuropsychiatrist. You may, but are not required to comply with the defense request. At least one member of the board, however, shall be either a psychiatrist or a clinical psychologist. You will conduct the board and designate the appropriate personnel from within your staff to comprise all or part of the board.

5. **Defense Request for Appointment of an Expert Consultant.** I appointed CAPT Kevin D. Moore as a defense expert consultant in forensic psychiatry and a member of the defense team under U.S. v. Toledo, 25 M.J. 270 (C.M.A. 1987) and Military Rule of Evidence 502. The defense requested this expert be permitted to evaluate and work with PFC Manning prior to the R.C.M. 706 board and that the expert be permitted to monitor the examinations conducted by

IMND-MHH-ZA

SUBJECT: Order to Resume Conducting Sanity Board - PFC Bradley Manning

members of the board. As such, I authorize the senior member of the board, in consultation with PFC Manning's primary behavioral health care provider, to address the defense requests and determine the extent to which the defense expert consultant may participate in the board's inquiry.

6. **Special Security Instructions.** The defense proffered that PFC Manning would likely need to divulge information potentially rising to the TS/SCI level in order to aid the members in their determination of his mental state at the time of the alleged incidents. The following special instructions apply to the portion of the board requiring discussion of classified information with PFC Manning:

a. Each member of the board will be cleared up to the TS/SCI level and be read on to the following compartments: SI/TK/G/HCS. Until each member of the board is read-on, the board will not conduct the portion of the examination requiring discussions with PFC Manning.

b. Each member of the board has a "need-to-know" for the purposes of discussing classified information with PFC Manning during their inquiry. The only classified information available to the board is the mental impressions of PFC Manning.

c. Each member of the board will read and acknowledge the enclosed Protective Order no later than three duty days following the date of this memorandum.

d. The board will conduct all their examinations and testing in an unclassified environment, except the portion of the examination and testing requiring discussions with PFC Manning will occur in a Sensitive Compartmented Information Facility (SCIF). The board will organize their inquiry and examinations in a manner that minimizes the impact of delay due to issues arising from the disclosure of classified information by PFC Manning.

e. The board will notify the trial counsel no less than four duty days before conducting the portion of the board requiring interviews with PFC Manning. The trial counsel is responsible for identifying an appropriate SCIF for the discussion of classified information and providing adequate privacy for the board.

f. To the extent possible, the board will take and maintain only unclassified notes and transcriptions; however, any notes or transcriptions that must contain classified information or potentially classified information will be handled in accordance with applicable law, regulations, the Protective Order, and any specific security procedures your security officer delineates. A security officer will review all notes and transcripts to determine the proper classification.

g. I appointed Mr. Charles Ganiel and Mr. Cassius Hall as defense security expert consultants. Mr. Ganiel or Mr. Hall will also act as the security officer for the board and should be consulted when classified information issues arise. The security expert is directly responsible for storage and handling of all classified information, to include the board members' notes and any transcriptions. The security expert is not required to participate in the board proceedings,

IMND-MHH-ZA

SUBJECT: Order to Resume Conducting Sanity Board - PFC Bradley Manning

but will be physically present at the location for on-site consultation, security inspections, and to assist with handling and storage of classified information.

h. All reports drafted and submitted by the board to the parties in this case will be unclassified. If a report must contain classified information, submit a written request to me, through the trial counsel.

7. Required Findings. The board is obligated in its evaluation to make separate and distinct findings as to 7a-7c (below), using diagnostic tools that the board, in its professional discretion, believes to be necessary and appropriate. In their request, defense counsel posed a number of specific requests for matters to be evaluated and specific tests to be conducted. You may, therefore, conduct the tests and answer the questions requested by the defense counsel in 7f 7k and 9 (below), but are not required to do so.

a. Does PFC Manning currently have a severe mental disease or defect? If the answer to "a" is yes, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the American Psychiatric Association's Diagnostic and Statistical Manual IV (DSM IV)?

(2) Is this severe mental disease or defect service disqualifying?

(3) What is PFC Manning's prognosis for recovery?

(4) Can this severe mental disease or defect be successfully controlled by treatment with drugs?

(5) Does the long-term commitment of PFC Manning appear to be a necessary alternative?

b. Does PFC Manning have the mental capacity to understand the nature of the proceedings and the seriousness of the charges against him? If the answer to "b" is no, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) Can this mental disease or defect be successfully treated/controlled by treatment with drugs?

(3) What is the prognosis and expected time for recovery?

c. Does PFC Manning have the mental capacity to cooperate intelligently in his own defense? If the answer to "c" is no, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

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SUBJECT: Order to Resume Conducting Sanity Board - PFC Bradley Manning

(2) Can this mental disease or defect be successfully treated/controlled by treatment with drugs?

(3) What is the prognosis and expected time for recovery?

d. At the time of the alleged criminal conduct, did PFC Manning have a severe mental disease or defect? If the answer to "d" is yes, answer the following four questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) At the time of the alleged criminal misconduct, and as a result of such severe mental disease or defect, was PFC Manning able to appreciate the nature and quality or wrongfulness of his conduct?

(3) Is this severe mental disease or defect merely a defect of character or personality caused by inadequate training and development, lack of moral restraint, or a personal, social, or cultural standard of conduct which differs from that of society as a whole?

(4) Was this impairment complete?

e. At the time of the alleged criminal misconduct, and as a result of such severe mental disease or defect, was PFC Manning able to appreciate the nature and quality or wrongfulness of his conduct? If the answer to "e" is yes, answer the following three questions.

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) Is this severe mental disease or defect merely a defect of character or personality caused by inadequate training and development, lack of moral restraint, or a personal, social, or cultural standard of conduct, which differs from that of society as a whole?

(3) Was this impairment complete?

f. Was PFC Manning, at the time of the offense, able to formulate a specific intent to commit the alleged acts, to know the probable consequences of his actions, or to premeditate a design to commit the acts? If the answer to "f" is no, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) What is the prognosis?

g. What personality type does PFC Manning possess?

h. What is the PFC Manning's intelligence level?

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SUBJECT: Order to Resume Conducting Sanity Board - PFC Bradley Manning

i. Does PFC Manning suffer from any mental condition that seriously interferes with his ability to think, respond emotionally, remember, communicate, interpret reality, and behave appropriately? If the answer to “i” is yes, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) What is the prognosis?

j. Does PFC Manning have an organic brain/nervous system disorder or impairment that would impact his ability to think reason, perceive, recall, or in any way control his behavior or his thoughts? If the answer to “j” is yes, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) What is the prognosis?

k. Does PFC Manning suffer from any level of Post Traumatic Stress Disorder? If the answer to “k” is yes, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) What is the prognosis?

8. Consideration.

a. The sanity board should, at a minimum, consider all of the following materials in reaching their findings:

(1) The results of psychological and neurological tests, including raw psychological test data.

(2) PFC Manning’s mental health records.

(3) PFC Manning’s medical records.

(4) Interviews with PFC Manning.

(5) The charge sheet.

b. You may consider, at your professional discretion, any additional questions or matters posed by the defense if such matters are received no later than two weeks of the date of this memorandum.

9. In conjunction with the sanity board, you shall also complete a comprehensive neurological examination to include a CAT scan.

IMND-MHH-ZA

SUBJECT: Order to Resume Conducting Sanitary Board PFC Bradley Manning

10. **Movement for Appointments.** The board will notify the trial counsel no less than four duty days before any scheduled appointment for medical evaluation or testing, in order for the trial counsel to arrange adequate transportation and security.

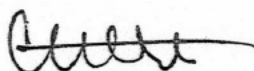
11. **Release of Report.** Upon conclusion of the inquiry, the sanitary board must comply with the disclosure prohibitions of Military Rule of Evidence 302, and R.C.M. 706(c)(3) and the special security instructions in paragraph 6, above. Only a statement consisting of the sanitary board's ultimate conclusions as to the questions in paragraph 7a through 7k will be provided to the trial counsel. A full report, which may include statements made by PFC Manning or any evidence derived from such statements, should be provided to PFC Manning's civilian and military defense counsel, Mr. David E. Coombs and MAJ Matthew Kemkes.

12. **Telephone Numbers.** CPT Ashden Fein is the government counsel. CPT Fein may be reached at (b) (6). Information pertaining to PFC Manning can be obtained from his defense counsel, Mr. David E. Coombs, at (b) (6) or his military defense counsel, MAJ Matthew Kemkes, at (b) (6).

13. **Suspense.** Medical examination and your findings shall be completed no later than four weeks from the date of this memorandum. Any extension of time must be submitted through the trial counsel to me for approval.

5 Encls

1. Requests, 11 Jul 10, 18 Jul 10
2. Protective Order, 17 Sep 10
3. Protective Order Acknowledgment
4. Charge Sheet
5. Allied Documents



CARL R. COFFMAN, JR.
COL, AV
Commanding



DEPARTMENT OF THE ARMY
WALTER REED ARMY MEDICAL CENTER
WALTER REED HEALTH CARE SYSTEM
WASHINGTON, DC 20307-5001

MCHL-FPS

14 March 2011

MEMORANDUM FOR: CONVENING AUTHORITY, COL CARL R. COFFMAN, Jr.,
JOINT BASE MYER-HENDERSON HALL, 204 LEE AVENUE, FORT MYER, VIRGINIA
22211-1199

SUBJECT: Extension requested for Sanity Board - PFC Bradley Manning.

1. An extension is requested for completion of the RCM 706 Sanity Board in the case of PFC Bradley Manning. The original order asked that the report be completed by 3 March 2011.
2. The evaluators are coordinating suitable dates and times for the final evaluation session to take place. This involves multiple parties. Additionally, the final interview will take place at a SCIF and this has resulted in the consumption of extra time for this aspect of the evaluation to be coordinated. We anticipate that the final date for the evaluation should take place in the first ten days of April 2011 and are expecting that this will be confirmed today.
3. We are asking for three weeks from the date of the final interview to deliver the completed evaluation reports to the respective parties. Hence, we ask for a suspense date of Friday, 29 April 2011.
4. POC for this memorandum is Dr. Michael Sweda, WRAMC Psychology Department, Forensic Psychology Service, (b) (6)

A handwritten signature in black ink, appearing to read "Michael Sweda", is positioned above the printed name.

MICHAEL SWEDA, PH. D, ABPP (Forensic)
CHIEF, FORENSIC PSYCHOLOGY SERVICE
Forensic Psychologist



DEPARTMENT OF THE ARMY
WALTER REED ARMY MEDICAL CENTER
WALTER REED HEALTH CARE SYSTEM
WASHINGTON, DC 20307-5001

MCHL-FPS

15 April 2011

MEMORANDUM FOR: CONVENING AUTHORITY, COL CARL R. COFFMAN, Jr.,
JOINT BASE MYER-HENDERSON HALL, 204 LEE AVENUE, FORT MYER, VIRGINIA
22211-1199

SUBJECT: Extension requested for Sanity Board - PFC Bradley Manning.

1. An extension is requested for completion of the RCM 706 Sanity Board in the case of PFC Bradley Manning. The current suspense is 16 April.
2. The final interview with SPC Manning was conducted on 9 April. The Board has been diligently working on completion of the long report. We are nearing finalization of the report, but have had limited availability to meet as a full board to discuss the report. This is because of conflicting schedules and demands of the three board members.
3. The board respectfully requests an extension of the suspense to COB on Friday, 22 April 2011 to allow full and adequate time to discuss and review all pertinent findings.

A handwritten signature in black ink, appearing to read "Michael Sweda", is positioned above the typed name.

MICHAEL SWEDA, Ph.D., ABPP (Forensic)
CHIEF, FORENSIC PSYCHOLOGY SERVICE
Forensic Psychologist



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VA 22211-1199

IMND-MHH-ZA

18 MAR 2011

MEMORANDUM FOR Chief, Forensic Psychology, Walter Reed Army Medical Center,
Washington, DC 20307-5001

SUBJECT: Extension Request for RCM 706 Sanity Board U.S. v. PFC Bradley Manning

I have reviewed the request for an extension of the RCM 706 Sanity Board for PFC Manning. The request is:

☒ approved. The Sanity Board will be completed no later than 16 April 2011. Any other extension of time must be submitted through the trial counsel to me for approval.

☐ disapproved. The Sanity Board will proceed as previously ordered.

A handwritten signature in black ink, appearing to read "Carl R. Coffman, Jr.", is positioned above the typed name.

CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
I-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VA 22211 1199

IMND-MHH-ZA

15 APRIL 2011

MEMORANDUM FOR Chief, Forensic Psychology, Walter Reed Army Medical Center,
Washington, DC 20307-5001

SUBJECT: Extension Request for RCM 706 Sanity Board – U.S. v. PFC Bradley Manning

I have reviewed the request for an extension of the RCM 706 Sanity Board for PFC Manning. The request is:

☒ approved. The Sanity Board will be completed no later than 22 April 2011. Any other extension of time must be submitted through the trial counsel to me for approval.

☐ disapproved. The Sanity Board will proceed as previously ordered.

A handwritten signature in black ink, appearing to read "Coffman", is positioned above the typed name.

CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

18 MAR 2011

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) U.S. v. PFC Bradley Manning

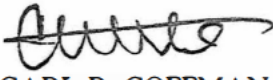
1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 15 February 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Sanity Board, dated 11 July 2010 and Defense Renewed Request for Sanity Board, dated 18 July 2010 (enclosed).
 - d. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - e. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - f. RCM 706 Sanity Board Extension Request, dated 14 March 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. The previous memorandum, dated 15 February 2011, inaccurately reflected that the sanity board was completed on 3 February 2011. The sanity board is ongoing. The memorandum also inaccurately reflected that PFC Manning was granted access to classified information on 3 February 2011. To date, the various OCAs involved in this case have not granted PFC Manning access to classified information originating from their department or agency.

IMND-MHH-ZA

Accounting of Excludable Delay under Rule for Courts-Martial 707(c) U.S. v. PFC Bradley Manning

6. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed).

Encls
as


CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel

18 February 2011

MEMORANDUM THRU Staff Judge Advocate, Office of the Staff Judge Advocate, US Army
Military District of Washington, Fort Lesley J. McNair, Washington D.C. 30219

FOR Commander, US Army Garrison, Joint Base Myer-Henderson Hall, Fort Myer, Virginia
22211

SUBJECT: Request for Appointment of Expert Assistance With Expertise in Neuropsychology
to Assist the Defense in *United States v. Manning*

1. **Purpose.** Pursuant to R.C.M. 703(d), the accused, PFC Bradley Manning, requests a Department of Defense (DoD) employee and a neuropsychologist, be designated as a member of the defense team under Military Rule of Evidence M.R.E. 502, and *United States v. Toledo*, 25 M.J. 270 (CMA 1987). PFC Manning also requests that arrangements, in coordination with Defense Counsel, be made to have the appointed expert visit the Quantico Brig to conduct independent neuropsychological testing of PFC Manning.

2. **Law.** A military accused has, as a matter of Equal Protection and Due Process, a right to expert assistance when necessary to present an adequate defense. *United States v. Garries*, 22 M.J. 288 (CMA 1986); *United States v. Robinson* 39 M.J. 88 (CMA 1994), and *Ake v. Oklahoma*, 470 U.S. 226 (1971). The Court of Appeals for the Armed Forces has embraced a three-part test for determining whether government-funded expert assistance is necessary. The defense must show:

“First, why the expert assistance is needed. Second, what would the expert assistance accomplish for the accused. Third, why is the defense unable to gather the evidence that the expert assistant would be able to develop.” *United States v. Gonzalez*, 39 M.J. 459 (1994).

3. **Basis.** All of the above requirements for employment of an expert are present and the defense is entitled to have an expert appointed to the defense as a matter of law. The government has begun the process of conducting a sanity board on PFC Manning. The defense is requesting a single Department of Defense neuropsychologist to assist in understanding the work of the sanity board, to possibly suggest additional testing to the sanity board, to interpret the results of neuropsychological testing conducted by the sanity board, to critically evaluate the work of the sanity board, and to potentially conduct additional testing in order to prepare a rebuttal to the conclusions of the sanity board.

a. **Why Is Expert Assistance Needed?** Expert assistance is needed to aid the defense in understanding medical information and neuropsychological testing concerning the mental status of PFC Manning on the date of the alleged crimes, to determine whether he is able to understand the nature and quality of the wrongfulness of his conduct, to evaluate whether PFC Manning is able to intelligently assist in his defense, and to prepare a possible sentencing case in extenuation and mitigation for PFC Manning. In short, the defense needs this assistance to better understand how PFC Manning’s brain was working at the time of the charged offenses and how it is

SUBJECT: Request for Appointment of an Expert with Expertise in Information Assurance to Assist the Defense in the case of *United States v. Manning*

working now. The knowledge required to do this is specialized, and concerns medical and psychological data that is beyond the scope of defense counsel's understanding.

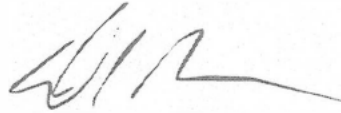
b. What Would the Expert Assistance accomplish for the Accused? A neuropsychologist assigned to the defense would assist the defense in understanding the wide range of neuropsychological tests that are available to evaluate PFC Manning. This expert would also help the defense understand what tests are best suited to evaluate PFC Manning. A neuropsychologist would also assist the defense in interpreting and critically evaluating any neuropsychological testing conducted by the sanity board. A neuropsychologist would also be able to explain medical research in the field of neuropsychology and its relevance to the present case. This expertise is beyond that of the current defense expert Capt. Kevin Moore, a forensic psychiatrist.

c. Why is the Defense Unable to Gather this Evidence on Their Own? The defense has neither the experience nor expertise to adequately prepare this case. The defense counsel needs a basic understanding in order to present the defense case, including the need to prepare defense experts to testify. It will be difficult for the defense to properly prepare without having an individual who has the confidentiality guaranteed to protect the accused. A more relevant question is why the defense needs a separate neuropsychologist if one is appointed to the sanity board. The defense needs this separate neuropsychologist for a number of reasons. First, any neuropsychologist who is a member of a sanity board is not a member of the defense team and the defense does not have the ability to discuss possible case theories with that sanity board member. A neuropsychologist appointed to assist the defense is able to engage in full and frank discussions with the defense on all aspects of the case and any issues relating to mental competency. Second, a neuropsychologist working for the sanity board would be under no obligation to conduct additional evaluations and testing requested by the defense. A neuropsychologist appointed to the defense would be free to conduct additional testing without the constraints of the sanity board. Third, the sanity board will likely conduct their evaluation of PFC Manning without the benefit of a complete social history, and the board would not incorporate that information into their evaluation and testing. A neuropsychologist appointed to the defense would continue to work with the defense in all stages of the case and incorporate detailed information of PFC Manning's social history into the testing and diagnostic process. Finally, neuropsychological testing and interpretation is a very subjective science. Any testing done by members of the sanity board must be subjected to critical analysis. It is highly unlikely that a member of the sanity board will objectively criticize their own work. The defense needs an independent neuropsychologist to assist them in conducting this critical inquiry. For all of these reasons, the defense requests a neuropsychologist be appointed to the defense team.

4. Conclusion. For the above reasons, the defense requests that you issue an order appointing a neuropsychologist as an expert; that you instruct this individual that he/she is a "defense representative" and thus part of the defense team, and that matters related to him/her during the course of his/her employment as a member of the defense team will be confidential.

SUBJECT: Request for Appointment of an Expert with Expertise in Information Assurance to Assist the Defense in the case of *United States v. Manning*

5. The POC is the undersigned at (b) (6) or by e-mail at (b) (6)

A handwritten signature in dark ink, appearing to read 'DAVIDE', followed by a long horizontal stroke.

DAVIDE. COOMBS
Civilian Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

22 April 2011

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) U.S. v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 18 March 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Sanity Board, dated 11 July 2010 and Defense Renewed Request for Sanity Board, dated 18 July 2010 (enclosed).
 - d. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - e. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - f. RCM 706 Sanity Board Extension Request, dated 14 March 2011 (enclosed).
 - g. RCM 706 Sanity Board Extension Request, dated 15 April 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.

IMND-MHH-ZA

Accounting of Excludable Delay under Rule for Courts Martial 707(c) – U.S. v. PFC Bradley Manning

5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed).

Encls
as

for Monica C. H. SFC
CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel

TAB 3



REPLY TO
ATTENTION OF

ANJA-CL

FOR OFFICIAL USE ONLY

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

25 April 2011

MEMORANDUM FOR Commander, Joint Base Myer – Henderson Hall, 204 Lee Avenue, Fort Myer,
VA 22211-1199

SUBJECT: Request for Delay of Article 32 Investigation – U.S. v. PFC Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests you delay restarting the Article 32 Investigation until the United States receives consent from all the Original Classification Authorities (OCAs) to release discoverable classified evidence and information to the defense. This consent is necessary in order for the United States to fulfill its discovery obligations under Article 46, UCMJ and the Rules for Courts-Martial (RCM), as well as for the defense to adequately prepare for the Article 32 Investigation.


2. **BACKGROUND.** Under Executive Orders 12958 and 13526 (as applicable) and Army Regulations 380-5 and 380-67, the United States cannot release classified information originating in a department or agency to parties outside of the executive branch without the consent of the OCA or their delegate. Since 17 June 2010, the United States has been diligently working with all of the departments and agencies that originally classified the information and evidence sought to be disclosed to the defense and the accused. Enclosed are redacted copies of the OCA Disclosure Requests and OCA Classification Review Requests without their enclosures, respectively. However, because of the special circumstances of this case, including the voluminous amounts of classified digital media containing multiple equities and the subsequent discovery of more information helpful to both the United States and the accused, more time is needed for executive branch departments and agencies to obtain the necessary consent from their OCA or authorizing official.

3. **EXCLUDABLE DELAY.** As the convening authority, you have the authority to grant a reasonable delay under the facts and circumstances of a particular case. Reasons to grant a delay include, for example, the need for time to complete other proceedings related to the case, or time to secure the availability of evidence.

4. **REQUEST.** The prosecution requests a reasonable delay of restarting the Article 32 Investigation until the earlier of the completion of the OCA Disclosure Requests and OCA Classification Reviews or 25 May 2011. For the reasons stated above, the United States requests the period between 22 April 2011 and 25 May 2011, or earlier, be designated as excludable delay under RCM 707(c). The prosecution will provide you an update no later than 25 May 2011.

5. The point of contact for this memorandum is the undersigned at (b) (6)

Encls
as


ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Defense Counsel (w/encls)

FOR OFFICIAL USE ONLY

From: (b) (6)
Sent: Monday, April 25, 2011 8:13 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA (b) (6)
Cc: (b) (6); Matthew kemkes
(b) (6); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW
SJA (b) (6) Bouchard, Paul CPT USCENCOM
USF-I USCENCOM-TDS/FICI-JA-TBO (b) (6);
Haberland, John CPT MIL USA (b) (6) Carile, Monica L. SFC
USA JFHQ-NCR/MDW SJA (b) (6) Feito, Beatriz
SGT USA JFHQ- NCR/MDW SJA (b) (6)
Subject: Re: US v. PFC BM (Art 32 Delay Request)

Ashden.
Got it.

Mr. Coombs,
Please provide me your feedback on the request by COB 27 April.

VR
COL Carl Coffman
Sent via BlackBerry by AT&T

[illegible]

SUBJECT: Government Request for Delay of Article 32 Investigation, United States vs. PFC Bradley E. Manning

(b) (6) SA (b) (6) CW2 (b) (6) SA (b) (6)
(b) (6) SA (b) (6), and SA (b) (6)

3. Due to the limited discovery provided so far, it is likely that the Article 32 will need to be delayed again unless the above information is provided in a timely manner. The Defense requests that any additional delay be credited to the Government.

4. The point of contact for this memorandum is the undersigned at (b) (6)

Encls
As



DAVID EDWARD COOMBS
Civilian Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211 1199

IMND-MHH-ZA

29 APR 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Delay of Article 32 Investigation - PFC Bradley E. Manning

1. On 25 April 2011, the prosecution submitted a request to delay restarting the Article 32 Investigation until the United States receives consent from all the Original Classification Authorities (OCAs) involved in this case to release discoverable classified evidence and information to the defense. *See* Enclosure 1. On 26 April 2011, the defense provided a response which acknowledged the need for the classified information and made three specific requests. *See* Enclosure 2.

2. This request is:

(10) approved. The Article 32 Investigation is delayed until the earlier of the completion of the OCA Disclosure Requests and OCA Classification Reviews or 25 May 2011. The period between 22 April 2011 and the restart of the Article 32 Investigation is excludable delay under Rule for Court-Martial (RCM) 707(c). The prosecution is required to provide me an update no later than 23 May 2011.

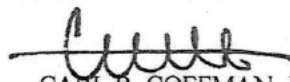
() disapproved. The Article 32 Investigation will restart within thirty days of this memorandum.

3. After reviewing pertinent portions of the case file, it is my understanding that ongoing national security concerns exist in this case, as well as an ongoing law enforcement investigation(s) into PFC Manning and others. In light of the national security concerns and ongoing investigation(s), the prosecution will cautiously proceed with the disclosure of information, but will comply with its obligations under Article 46, UCMJ, RCM 405, RCM 701, RCM 703, and applicable case law. In addition, once the prosecution receives the authority to disclose previously undisclosed information to the defense, it will do so expeditiously to minimize any unnecessary delay.

2 Encls

1. Prosecution Request, 25 Apr 11
2. Defense Request, 26 Apr 11

DISTRIBUTION:
1-Article 32 IO
1-Trial Counsel
1-Defense Counsel


CARL R. COFFMAN, JR.
COL, AV
Commanding



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

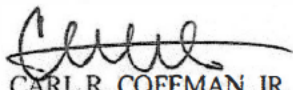
12 MAY 2011

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) U.S. v. PFC Bradley E. Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 22 April 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - d. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - e. Government Request for Delay of Article 32 Investigation, dated 25 April 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed).

Encls
as


CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel

20 April 2011

MEMORANDUM THRU Staff Judge Advocate, Office of the Staff Judge Advocate, US Army
Military District of Washington, Fort Lesley J. McNair, Washington D.C. 30219

FOR Commander, US Army Garrison, Joint Base Myer-Henderson Hall, Fort Myer, Virginia
22211

SUBJECT: Request for Appointment of a Neuropsychologist to Assist the Defense in the Case
of *United States v. Manning*

1. Pursuant to the provisions of Article 46 of the Uniform Code of Military Justice and Rule for Court-Martial (R.C.M.) 703(d), the defense requests the appointment of a neuropsychologist located at or near Fort Leavenworth, Kansas to replace LCDR Carrie H. Kennedy and assist the defense in the above-styled case. The defense further requests that this replacement expert be designated as a member of the defense team under Military Rule of Evidence M.R.E. 502, and *United States v. Toledo*, 25 M.J. 270 (CMA 1987).

2. On 19 April 2011, the defense, like many others, learned that PFC Manning was being moved to the Joint Regional Correctional Facility at Fort Leavenworth. Due to this abrupt move, LCDR Kennedy is no longer ideally suited to fulfill the role of the defense expert. At this point, LCDR Kennedy has not had the ability to meet with PFC Manning. As such, no psychotherapist-patient relationship has been established. The defense requests that the government provide a suitable replacement for LCDR Kennedy who will have the ability to aid the defense in understanding medical information and neuropsychological testing concerning the mental status of PFC Manning on the date of the alleged offenses, to evaluate whether PFC Manning is able to intelligently assist in his defense, and to prepare a possible sentencing case in extenuation and mitigation for PFC Manning.

3. The POC is the undersigned at (b) (6) or by e-mail at (b) (6)



DAVID E. COOMBS
Civilian Defense Counsel

TAB 4

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

22 May 2011

MEMORANDUM FOR Commander, Joint Base Myer – Henderson Hall, 204 Lee Avenue, Fort Myer,
VA 22211-1199

SUBJECT: Request for Delay of Article 32 Investigation – U.S. v. PFC Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests you continue to delay restarting the Article 32 investigation until the United States receives the proper authority to release discoverable unclassified and classified evidence and information to the defense. This consent is necessary in order for the United States to fulfill its discovery obligations under Article 46, UCMJ and the Rules for Courts-Martial (RCM), as well as for the defense to adequately prepare for the Article 32 investigation.
2. **UPDATE.** The prosecution is continuing to work with relevant Original Classification Authorities (OCAs) to obtain consent to disclose classified evidence and information to the defense along with receiving completed classification reviews. In anticipation of OCA consent, CID began making copies of classified digital media and evidence for disclosure to the defense. Additionally, the prosecution learned that several exhibits and documents in the unclassified CID case file require authorization to disclose apart from any classified information. The U.S. Attorney's Office for the Eastern District of Virginia is working to obtain that authorization on behalf of the prosecution from multiple federal districts within the United States.
3. **EXCLUDABLE DELAY.** As the convening authority, you have the authority to grant a reasonable delay under the facts and circumstances of a particular case. Reasons to grant a delay include, for example, the need for time to complete other proceedings related to the case, or time to secure the availability of evidence.
4. **REQUEST.** The prosecution requests a reasonable delay of restarting the Article 32 investigation until the earlier of the completion of the OCA Disclosure Requests, OCA Classification Reviews, and authorization to disclose protected unclassified information or 27 June 2011. For the reasons stated above, the United States requests the period between 22 April 2011 and the restart of the Article 32 investigation be designated as excludable delay under RCM 707(c). The prosecution will provide you an update no later than 25 June 2011.
5. The point of contact for this memorandum is the undersigned at (b) (6)

ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Defense Counsel

FOR OFFICIAL USE ONLY

From: COFFMAN, CARL R COL MIL USA IMCOM <(b) (6)>
Sent: Tuesday, May 24, 2011 4:57 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA (b) (6)
Cc: (b) (6) Matthew kemkes
(b) (6) Morrow III, JoDean, CPT USA JFHQ-NCR/MDW
SJA (b) (6) Bouchard, Paul CPT USCENCOM
USF-I USCENCOM-TDS/FICI-JA-TBO (b) (6)
Haberland, John CPT MIL USA (b) (6) Overgaard, Angel M.
CPT USA JFHQ-NCR/MDW SJA (b) (6) Ford,
Arthur D. WO1 USA JFHQ-NCR/MDW SJA (b) (6)
Subject: Re: US v. PFC BM (Art 32 Delay Request) (UNCLASSIFIED)

Classification: UNCLASSIFIED

Mr. Coombs,

Please provide me any comments you may have by COB 25 May 2011.

COL Coffman, Carl

From: (b) (6)
Sent: Tuesday, May 24, 2011 8:46 PM
To: COFFMAN, CARL R COL MIL USA IMCOM (b) (6)
Cc: Matthew kemkes (b) (6); Morrow III, JoDean, CPT USA
JFHQ-NCR/MDW SJA (b) (6); Bouchard, Paul CPT
USCENTCOM USF-I USCENTCOM-TDS/FICI-JA-TBO
(b) (6); Haberland, John CPT MIL USA
(b) (6); Overgaard, Angel M. CPT USA JFHQ-NCR/MDW
SJA <(b) (6)>; Ford, Arthur D. WO1 USA JFHQ-
NCR/MDW SJA <(b) (6)>; Fein, Ashden CPT USA JFHQ-
NCR/MDW SJA <(b) (6)>; Joshua Tooman
(b) (6)
Subject: [Suspected SPAM] RE: US v. PFC BM (Art 32 Delay Request) (UNCLASSIFIED)

Sir,

The defense maintains its position as stated in the 26 April 2011 memorandum. Given the limited discovery provided so far, it is likely that the Article 32 will need to be delayed in order to provide the defense with the ability to adequately prepare. The defense requests that any additional delay be credited to the government.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Office: 1-800-588-4156
Fax: (508) 689-9282

(b) (6)
www.armycourt martialdefense.com

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

26 May 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Delay of Article 32 Investigation - PFC Bradley E. Manning

1. On 22 May 2011, the prosecution submitted a request to delay restarting the Article 32 Investigation until the United States receives proper authority to release discoverable unclassified evidence and information, as well as consent from all the Original Classification Authorities (OCAs) involved in this case to release discoverable classified evidence and information to the defense, whichever is earlier. See Enclosure 1. On 24 May 2011, the defense provided a response which maintained its 26 April 2011 position acknowledging the need for additional discovery and noting the potential for further delay for defense to adequately prepare for the Article 32. See Enclosure 2.

2. This request is:

() approved. The Article 32 Investigation is delayed until the earlier of the completion of the OCA Disclosure Requests and OCA Classification Reviews, and authorization is granted to disclose protected unclassified information, or 25 June 2011. The period between 22 April 2011 and the restart of the Article 32 Investigation is excludable delay under Rule for Courts-Martial (RCM) 707(c). The prosecution is required to provide me an update no later than 25 June 2011.

() disapproved. The Article 32 Investigation will restart within thirty days of this memorandum.

3. After reviewing pertinent portions of the case file, it is my understanding that ongoing national security concerns exist in this case, as well as an ongoing law enforcement investigation(s) into PFC Manning and others. In light of the national security concerns and ongoing investigation(s), the prosecution will cautiously proceed with the disclosure of information, but will comply with its obligations under Article 46, UCMJ, RCM 405, RCM 701, RCM 703, and applicable case law. In addition, once the prosecution receives the authority to disclose previously undisclosed information to the defense, it will do so expeditiously to minimize any unnecessary delay.

2 Encls

1. Prosecution Request, 22 May 11
2. Defense Request, 24 May 11

CARL R. COFFMAN, JR.
COL, AV
Commanding

DISTRIBUTION:

- 1-Article 32 IO
- 1-Trial Counsel
- 1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211 1199

IMND-MHH-ZA


JUN 17 2011

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) -- U.S. v. PFC Bradley E. Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 12 May 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - d. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - e. Government Request for Delay of Article 32 Investigation, dated 22 May 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed).

Encls
as


CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel

TAB 5

FOR OFFICIAL USE ONLY

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

27 June 2011

MEMORANDUM FOR Commander, Joint Base Myer – Henderson Hall, 204 Lee Avenue, Fort Myer, VA 22211-1199

SUBJECT: Request for Delay of Article 32 Investigation – United States v. PFC Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests you continue to delay restarting the Article 32 investigation until the United States receives the proper authority to release discoverable unclassified and classified evidence and information to the defense. This consent is necessary in order for the United States to fulfill its discovery obligations under Article 46, UCMJ and the Rules for Courts-Martial (RCM), as well as for the defense to adequately prepare for the Article 32 investigation.

2. **UPDATE.**

a. The prosecution is continuing to work with relevant Original Classification Authorities (OCAs) to obtain consent to disclose classified evidence and information to the defense along with receiving completed classification reviews. This includes the enclosed additional requests forwarded by the prosecution on 23 June 2011, after forensic examiners discovered another document on digital evidence requiring OCA consent to disclose to the defense.

b. The prosecution submitted the unclassified CID case file to the National Security Agency (NSA) and another government intelligence organization (OGA) to have their experts review the file for classified equities. The NSA identified approximately twenty sensitive documents requiring further review by their subject matter experts. The OGA is continuing their review of the documents.

c. The U.S. Attorney's Office for the Eastern District of Virginia is continuing to work on obtaining authorizations from the relevant district court judges on behalf of the prosecution to disclose certain exhibits and documents to the defense. Most of the relevant disclosure orders have been signed, but a few remain outstanding.

d. Since the previous request, the prosecution received approval to produce the Secretary of the Army AR 15-6 and related documents. After the defense acknowledges your protective order, dated 22 June 2011, the prosecution will immediately produce these documents and continue to produce all related documents. As the prosecution receives other approvals, it will continue to disclose evidence and information to the defense.

FOR OFFICIAL USE ONLY

ANJA-CL


SUBJECT: Request for Delay of Article 32 Investigation United States v. PFC Bradley E. Manning

3. **EXCLUDABLE DELAY.** As the convening authority, you have the authority to grant a reasonable delay under the facts and circumstances of a particular case. Reasons to grant a delay include, for example, the need for time to complete other proceedings related to the case, or time to secure the availability of evidence.

4. **REQUEST.** The prosecution requests a reasonable delay of restarting the Article 32 investigation until the earlier of the completion of the OCA Disclosure Requests, OCA Classification Reviews, authorization to disclose protected unclassified information, and final review of the CID case file by the NSA and OGA, or 27 July 2011. For the reasons stated above, the United States requests the period between 22 April 2011 and the restart of the Article 32 investigation be designated as excludable delay under RCM 707(c). The prosecution will provide you an update no later than 25 July 2011.

5. The point of contact for this memorandum is the undersigned at (b) (6)

Encls
as



ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Defense Counsel

From: COFFMAN, CARL R COL MIL USA IMCOM (b) (6)
Sent: Wednesday, June 29, 2011 4:56 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA (b) (6)
Cc: Matthew kemkes (b) (6); Morrow III, JoDean, CPT USA
JFHQ-NCR/MDW SJA (b) (6); (b) (6); Overgaard, Angel
M. CPT USA JFHQ-NCR/MDW SJA (b) (6); Ford,
Arthur D. WO1 USA JFHQ-NCR/MDW SJA (b) (6);
Joshua Tooman (b) (6); Ford, Arthur D. WO1 USA JFHQ-
NCR/MDW SJA (b) (6);
Subject: Re: US v. PFC BM (Art 32 Delay Request) (UNCLASSIFIED)

Classification: UNCLASSIFIED
Mr. Coombs,

Do you have any comments on the request?

COL Coffman

From: (b) (6)
Sent: Wednesday, June 29, 2011 8:37 PM
To: COFFMAN, CARL R COL MIL USA IMCOM (b) (6)
Cc: Matthew kemkes (b) (6); Morrow III, JoDean, CPT USA
JFHQ-NCR/MDW SJA (b) (6)
(b) (6); Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
(b) (6); Ford, Arthur D. WO1 USA JFHQ-
NCR/MDW SJA (b) (6); Joshua Tooman
(b) (6); Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
(b) (6)
Subject: [Suspected SPAM] RE: US v. PFC BM (Art 32 Delay Request) (UNCLASSIFIED)

Sir,

The defense maintains its position as stated in its 26 April 2011 memorandum. Once the Government is able to provide the classified and unclassified discovery, we will likely need to delay the Article 32 hearing in order to provide the defense with an opportunity to adequately prepare. The defense requests that any additional delay be credited to the government.

V/R
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Office: 1-800-588-4156
Fax: (508) 689-9282

(b) (6)

www.armycourt martialdefense.com

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

5 JUL 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Delay of Article 32 Investigation - PFC Bradley E. Manning

1. On 27 June 2011, the prosecution submitted a request to delay restarting the Article 32 Investigation until the United States receives proper authority to release discoverable unclassified evidence and information, as well as consent from all the Original Classification Authorities (OCAs) involved in this case to release discoverable classified evidence and information to the defense, whichever is earlier. See Enclosure 1. On 29 June 2011, the defense provided a response which maintained its 26 April 2011 position acknowledging the need for additional discovery and noting the potential for further delay for defense to adequately prepare for the Article 32. See Enclosure 2.

2. This request is:

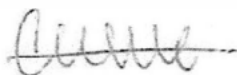
() approved. The Article 32 Investigation is delayed until the earlier of the completion of the OCA Disclosure Requests and OCA Classification Reviews, and authorization is granted to disclose protected unclassified information, or 27 July 2011. The period between 22 April 2011 and the restart of the Article 32 Investigation is excludable delay under Rule for Courts-Martial (RCM) 707(c). The prosecution is required to provide me an update no later than 25 July 2011.

() disapproved. The Article 32 Investigation will restart within thirty days of this memorandum.

3. After reviewing pertinent portions of the case file, it is my understanding that ongoing national security concerns exist in this case, as well as an ongoing law enforcement investigation(s) into PFC Manning and others. In light of the national security concerns and ongoing investigation(s), the prosecution will cautiously proceed with the disclosure of information, but will comply with its obligations under Article 46, UCMJ, RCM 405, RCM 701, RCM 703, and applicable case law. In addition, once the prosecution receives the authority to disclose previously undisclosed information to the defense, it will do so expeditiously to minimize any unnecessary delay.

2 Encls

1. Prosecution Request, 27 June 11
2. Defense Response, 29 June 11


CARL R. COFFMAN, JR.
COL, AV
Commanding

DISTRIBUTION:

- 1-Article 32 IO
- 1-Trial Counsel
- 1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

13 JUL 2011

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – U.S. v. PFC Bradley E. Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 17 June 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - d. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - e. Government Request for Delay of Article 32 Investigation, dated 5 Jul 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed).

Encls
as

A handwritten signature in black ink, appearing to read "Carl R. Coffman, Jr.", is located above the typed name.

CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel

TAB 6

FOR OFFICIAL USE ONLY

REPLY TO
ATTENTION OFDEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319 5013

ANJA-CL

25 July 2011

MEMORANDUM FOR Commander, Joint Base Myer Henderson Hall, 204 Lee Avenue, Fort Myer, VA 22211-11 99

SUBJECT: Request for Delay of Article 32 Investigation – United States v. PFC Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests you continue to delay restarting the Article 32 investigation until the United States receives the proper authority to release discoverable unclassified and classified evidence and information to the defense. This consent is necessary in order for the United States to fulfill its discovery obligations under Article 46, UCMJ and the Rules for Courts-Martial (RCM), as well as for the defense to adequately prepare for the Article 32 investigation.

2. **UPDATE.**

a. The prosecution is continuing to work with relevant Original Classification Authorities (OCAs) to obtain consent to disclose classified evidence and information to the defense along with receiving completed classification reviews. The classified CID forensic reports are prepared for disclosure, pending final approval by the relevant OCAs and final review of references to classified information within forensic reports.

b. The prosecution submitted the unclassified CID case file to the National Security Agency (NSA) and another government intelligence organization (OGA) to have their experts review the file for classified equities. The NSA identified approximately twenty sensitive documents requiring further review by their subject matter experts. The OGA identified approximately six sensitive documents requiring further review by their subject matter experts. Those reviews are ongoing.

c. The U.S. Attorney's Office for the Eastern District of Virginia is continuing to work on obtaining authorizations from the relevant district court judges on behalf of the prosecution to disclose certain exhibits and documents to the defense. Most of the relevant disclosure orders have been signed, but a few remain outstanding.

d. Since the previous request, the prosecution produced the Secretary of the Army AR 15-6 and related documents, as well as the complete record of the MSG Adkins reduction board approximately 10,000 pages of documents in total. The prosecution intends to produce portions of the unclassified CID case file that have been approved for release by relevant stakeholder agencies no later than the date of this memorandum. As the prosecution receives other approvals, it will continue to disclose evidence and information to the defense.

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

ANJA-CL

SUBJECT: Request for Delay of Article 32 Investigation United States v. PFC Bradley E. Manning

3. **EXCLUDABLE DELAY.** As the convening authority, you have the authority to grant a reasonable delay under the facts and circumstances of a particular case. Reasons to grant a delay include, for example, the need for time to complete other proceedings related to the case, or time to secure the availability of evidence.

4. **REQUEST.** The prosecution requests a reasonable delay of restarting the Article 32 investigation until the earlier of the completion of the OCA Disclosure Requests, OCA Classification Reviews, authorization to disclose protected unclassified information, and final review of the CID case file by the NSA and OGA, or 27 August 2011. For the reasons stated above, the United States requests the period between 22 April 2011 and the restart of the Article 32 investigation be designated as excludable delay under RCM 707(c). The prosecution will provide you an update no later than 25 August 2011.

5. The point of contact for this memorandum is the undersigned at (b) (6)



ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Defense Counsel

From: COFFMAN, CARL R COL MIL USA IMCOM <(b) (6)>
Sent: Monday, July 25, 2011 3:32 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA (b) (6)
Cc: Matthew kemkes (b) (6); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA (b) (6); (b) (6); (b) (6); Dvergaard, Angel M. CPT USA JFHQ-NCR/MDW SJA (b) (6); Ford, Arthur D. WO1 USA JFHO-NCR/MDW SJA (b) (6); Joshua Tooman (b) (6); >; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA (b) (6)
Subject: Re: US v. PFC BM (Art 32 Delay Request) (UNCLASSIFIED)

Classification: UNCLASSIFIED

Mr. Coombs,

Does the Defense have any issues with the request?

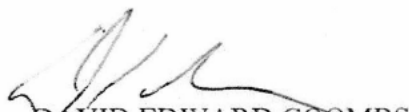
COL Coffman

25 July 2011

MEMORANDUM FOR Commander, Joint Base Myer Henderson Hall, 204 Lee Avenue, Fort Myer, VA 22211-1199

SUBJECT: Government Request for Delay of Article 32 Investigation - United States vs. PFC Bradley E. Manning

1. On 25 July 2011, the Government requested that you again delay restarting the Article 32 Investigation until it has received consent from all of the Original Classification Authorities (OCAs) to release discoverable classified evidence and information to the defense. Although classification reviews typically take time to complete, the Government has now had over a year to do so. The latest request by the trial counsel for excludable delay does not adequately explain what has been done to require timely response and reviews by the relevant OCAs.
2. Given the fact PFC Manning is currently in pretrial confinement, the Government must demonstrate due diligence in securing classification reviews. On 9 January 2011, the Defense made a request for speedy trial. The Defense once again renews this request. *United States v. Thompson*, 68 M.J. 308 (C.A.A.F. 2009)(holding that Article 10, UCMJ, creates a more exacting speedy trial demand than does the Sixth Amendment).
3. The Defense also renews its request for you to order the Government to provide either a substitute for or a summary of the information for the relevant classified documents; to allow the Defense to inspect any and all unclassified documents, tangible items, and reports within the Government's control; to provide discovery to the Defense either previously denied or not provided; AND to provide access to all CID and other law enforcement agents who have worked on this case. Rule for Court-Martial (R.C.M.) 405(g)(1)(A), (g)(1)(B), and 701(a).
4. Any additional delay should not be excluded under R.C.M. 707(c). Instead, the requested delay should be credited to the Government.
5. The point of contact for this memorandum is the undersigned at (b) (6)


DAVID EDWARD COOMBS
Civilian Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

26 JUL 2011

IMND-MHH-ZA

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Delay of Article 32 Investigation - PFC Bradley E. Manning

1. On 22 July 2011, the prosecution submitted a request to delay restarting the Article 32 Investigation until the United States receives proper authority to release discoverable unclassified evidence and information, as well as consent from all the Original Classification Authorities (OCAs) involved in this case to release discoverable classified evidence and information to the defense. *See* Enclosure 1. On 25 July 2011, the defense renewed its request to order the United States to provide either a substitute for or a summary of the information for the relevant classified documents; to allow the defense to inspect any and all unclassified documents, tangible items, and reports within the government's control; to provide discovery to the defense either previously denied or not provided; and to provide access to all CID and other law enforcement agents who have worked on this case. *See* Enclosure 2.

2. This request is:

(12) approved. The Article 32 Investigation is delayed until the earlier of the completion of the OCA Disclosure Requests and OCA Classification Reviews, and authorization is granted to disclose protected unclassified information, or 27 August 2011. The period between 22 April 2011 and the restart of the Article 32 Investigation is excludable delay under Rule for Courts-Martial (RCM) 707(c). The prosecution is required to provide me an update no later than 25 August 2011.

() disapproved. The Article 32 Investigation will restart within thirty days of this memorandum.

3. After reviewing pertinent portions of the case file and receiving an update of the procedures being followed in this case, it is my understanding that ongoing national security concerns exist in this case, as well as an ongoing law enforcement investigation(s) into PFC Manning and others. In light of the national security concerns and ongoing investigation(s), the prosecution will cautiously proceed with the disclosure of information, but will comply with its obligations under Article 46, UCMJ, RCM 405, RCM 701, RCM 703, and applicable case law. In addition, once the prosecution receives the authority to disclose previously undisclosed information to the defense, it will do so expeditiously to minimize any unnecessary delay.

2 Encls

1. Prosecution Request, 25 July 2011
2. Defense Response, 25 July 2011

CARL R. COFFMAN, JR.
COL, AV
Commanding

DISTRIBUTION:

- 1-Article 32 IO
- 1-Trial Counsel
- 1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

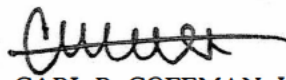
10 Aug 11

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – United States v. PFC Bradley E. Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 13 July 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - d. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - e. Government Request for Delay of Article 32 Investigation, dated 25 July 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed), and the renewed request for speedy trial, dated 25 July 2011 (enclosed).

Encls
as


CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel

3 August 2011

MEMORANDUM THRU Staff Judge Advocate, Office of the Staff Judge Advocate, US Army
Military District of Washington, Fort Lesley J. McNair, Washington D.C. 30219

FOR Commander, US Army Garrison, Joint Base Myer-Henderson Hall, Fort Myer, Virginia
22211

SUBJECT: Request for Appointment of Dr. Thomas A. Grieger to Assist the Defense in the
Case of *United States v. Manning*

1. Pursuant to the provisions of Article 46 of the Uniform Code of Military Justice and Rule for Court-Martial (R.C.M.) 703(d), the defense requests the appointment of Dr. Thomas A. Grieger to replace Capt. Kevin D. Moore and assist the defense in the above-styled case. *See attached curriculum vitae*. The defense further requests that Dr. Grieger be designated as a member of the defense team under Military Rule of Evidence M.R.E. 502, and *United States v. Toledo*, 25 M.J. 270 (CMA 1987).

2. On 2 August 2011, the defense received an email from Capt. Moore indicating that he could no longer perform his duties as the defense forensic psychiatrist. *See attached email*. Capt. Moore informed the defense that his current clinical schedule did not provide him with adequate time to assist the defense. Additionally, Capt. Moore stated that due to PFC Manning's assigned location at the Joint Regional Correctional Facility at Fort Leavenworth, he no longer believed that he was suited to fulfill the role of the defense expert.

3. This is the second time that the defense has had to request for a replacement forensic psychiatrist due to the assigned expert's time commitments and conflicts with other military duties. Previously, the defense was given COL David Benedick. COL Benedick also cited military commitments as the basis for why he could not adequately assist the defense team. In light of this persistent problem, the Defense requests the appointment of a civilian forensic psychiatrist.


4. The defense requests that you appoint the following expert:

Dr. Thomas A. Grieger, M.D., DFAPA Captain (retired), Medical Corps, United States Navy,
(b) (6) (b) (6)

5. Dr. Grieger's fees are \$350.00 per hour for psychiatric consultation as defined in paragraph one of his fee schedule. *See attached fee schedule*. The fee for all travel is based upon whether travel is required outside of a hundred mile radius of Washington D.C. or not. If within this radius, it is \$450.00 per hour for a maximum of \$4,500 per day. If outside of this radius, it is \$4,500 per day. There is no fee for testimony time, only for the associated travel time and any expenses incurred. Likewise, there is no fee for expenses for airfare, car rental, lodging and per diem as those fees are included in the rate detailed above. The estimated total fee for Dr. Grieger's assistance in this case is \$48,550.00. His hourly rate and fees comport with the Expert Witness Rate Schedule for the Department of Justice.

SUBJECT: Request for Appointment of Dr. Thomas A. Grieger to Assist the Defense in the Case of *United States v. Manning*

6. The POC is the undersigned at (b) (6) or by e-mail at (b) (6)



DAVID E. COOMBS
Civilian Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINTBASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211 1199

IMND-MHH-ZA

10 Aug 11

MEMORANDUM FOR Mr. David E. Coombs, Civilian Defense Counsel

SUBJECT: Appointment of Defense Expert Consultant in Forensic Psychiatry - United States v. PFC Bradley Manning

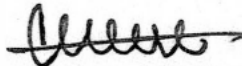
I reviewed your request for appointment of an expert consultant in forensic psychiatry for the defense to replace CAPT Kevin D. Moore in the above-named case. After careful consideration of your enclosed request and the enclosed email, dated 4 August 2011, the defense request is:

() approved. I appoint Dr. Thomas A. Grieger as an expert consultant in the above-named case to replace CAPT Moore. I further direct that Dr. Grieger be designated a member of the defense team under U.S. v. Toledo, 25 M.J. 270 (C.M.A. 1987) and Military Rule of Evidence 502. I authorize the expenditure of up to \$22,500.00 for psychiatric consultation. Any expenditure of funds in excess of \$22,500.00 will be disapproved, unless the additional amount is approved by me, in advance, through a separate written request and written approval.

(☒) disapproved, in part. I appoint LCDR David L. Moulton as an expert consultant in the above-named case to replace CAPT Moore. I further direct that LCDR Moulton be designated a member of the defense team under U.S. v. Toledo, 25 M.J. 270 (C.M.A. 1987) and Military Rule of Evidence 502. LCDR Moulton is an adequate substitute for Dr. Grieger and is provided at no expense to the government, beyond mileage reimbursement, if authorized.

() disapproved. CAPT Moore will remain the defense expert consultant.

Encls
as


CARL R. COFFMAN, JR.
COL, AV
Commanding

From: Moulton, David L. LCDR NNMC
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; D.L. Moulton; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: RE: US v. PFC BM (UNCLASSIFIED)
Date: Thursday, August 04, 2011 5:03:26 PM

CPT Fein,

On August 28, I am slated to go work as a forensic psychiatrist in the Forensic Psychiatry Service of the new Walter Reed Military Medical Center (COL Malone will be my boss). My PCS date is July 2013. Just today, I corresponded with my specialty advisor, who stated that she does not anticipate that I will be deployed in the next year as I have already deployed twice and there are several people ahead of me on the deployment list who have never deployed. I do not see any conflicts with me giving the appropriate attention to this case, to include even regular travel to Fort Leavenworth to evaluate the client.

v/r,
 LCDR Moulton

Original Message

From: Fein, Ashden CPT USA JFHQ NCR/MDW SJA (b) (6)
 Sent: Thursday, August 04, 2011 3:15 PM
 To: Moulton, David L. LCDR NNMC
 Cc: Morrow III, JoDean, CPT USA JFHQ NCR/MDW SJA; D.L. Moulton; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
 Subject: US v. PFC BM (UNCLASSIFIED)

Sir,

Thank you for your interest in being a possible defense expert witness in forensic psychiatry. Please see attached request and let us know whether you are qualified and whether you will be available for the next 12-15 months.

Please take into account any possible deployments or other taskers that might make you unavailable and understand this appointment will likely require you to travel to Fort Leavenworth, KS.

Thank you.

v/r
 CPT Fein

DAVID L. MOULTON, MD

CDR(sel) MC USN
National Naval Medical Center

(b)

(b)

(6)

Education

B.A.	Humanities Brigham Young University, Provo, UT	1996
M.D.	Doctorate of Medicine Uniformed Services University, Bethesda, MD	2000
Internship	Psychiatry National Capital Consortium, Bethesda, MD	2001
Residency	Psychiatry National Capital Consortium, Bethesda, MD	2004
Fellowship	Forensic Psychiatry National Capital Consortium, Bethesda, MD	2010

Professional Achievements

Associate Program Director, National Capital Consortium Psychiatry Residency Program, Bethesda, MD, July 2010 to present; September 2008-June 2009. This program provides comprehensive Psychiatric Graduate Medical Education in a large training program of 44 residents. Specific responsibilities involved direct oversight of training at the National Naval Medical Center, as well as advisor to the Program Director on diverse matters pertaining to the operation of the Residency.

Clinical Chief, Inpatient Psychiatry Service, National Naval Medical Center, Bethesda, MD, October 2007-April 2009. This is a 12-bed adult inpatient facility providing full-spectrum acute inpatient services to active-duty service members and their dependants. Supervisory role for two Licensed Clinical Social Workers. Supervisory role over Psychiatry Residents, Interns and Medical Students rotating on the service.

Clinical Chief, Combat Stress Control, 113th Medical Company, Taji, Iraq, March 2007-July 2007, and the 785th Medical Company July 2007-Sept 2007. One of two psychiatrists on FOB Taji, which supported five Combat Brigades and over 20,000 Soldiers.

Department Head, Naval Hospital Camp Lejeune, Jacksonville, NC Aug 2004-January 2005; September 2005-February 2007. Department Head over Inpatient Psychiatry Services, a 20-bed adult inpatient facility providing full-spectrum acute inpatient services to active-duty service members and their dependants. This included supervisory responsibility of 20 staff members.

Department Head, CLB-2, 2D FSSG (MLG) Operational Stress Center, Al Asad, Iraq, February 2005-September 2005, providing mental health services to deployed Marine, Army, Navy and Air Force Service Members who honorably serve our country in Operation Iraqi Freedom.

Academic Appointments

Assistant Professor of Psychiatry, Uniformed Services University of the Health Sciences, Bethesda, MD. Appointed July 25, 2011.

Special Qualifications

Fleet Marine Force Qualified Officer, February, 2005.
Navy Pistol Qualification (E)

Personal and Unit Awards

Meritorious Service Medal
Navy Commendation Medal (x2)
Army Commendation Medal
Navy Achievement Medal
Army Achievement Medal (x2)
Presidential Unit Citation
Meritorious Unit Citation (x2)
Iraq Campaign Ribbon (x2)

Recognitions and Commendations

Patient Safety Award of Excellence, National Naval Medical Center, Aug 2008
Letter of Commendation, Naval Health Clinic Quantico, March 2008

Invited Presentations

Sex Offenders and Psychological Issues in Sexual Assault. Presented to the Naval Justice School, Newport, RI, April 2010.
PTSD in the Court Room. Presented to the Naval Justice School, Newport, RI, May 2011.

Board Certifications

General Psychiatry, American Board of Psychiatry and Neurology, Certified June 7, 2006.
Forensic Psychiatry, American Board of Psychiatry and Neurology, Certified June 7, 2011.

State Medical Board Licensures

Maryland Board of Physicians, License No: D0069601
Virginia Board of Medicine, License No: 0101232547
North Carolina Medical Board, License No: 20040121 (inactive)

Court Consultant / Expert Witness / Military Courts Martial / Federal Felony Cases

U.S. v. Ramzi bin al Shibh, Guantanamo Bay, Cuba, June 2011₂ (9/11 Terror Suspect)
U.S. v. Clark, Baumholder, Germany, April 2011₂* (Negligent Homicide, 3 counts)
U.S. v. McAffrey, Fort Bragg, NC, December 2010₂ (Attempted Murder, PTSD Mitigation)
U.S. v. Law, MCB Camp Lejeune, November 2010₁ (Premeditated Murder)
U.S. v. Chamberlain, MCB Quantico, September 2010₂ (Assault)
U.S. v. Afa, Baumholder, Germany, August 2010₂ (Sexual Assault)
U.S. v. Sobenes, Pensacola, FL, March 2010₁* (Sexual Assault)
Chastain v. U.S. Navy, MCB Camp Lejeune, January 2010₁ (Hostile Work Environment)
Kirk v. U.S. Navy, MCB Camp Lejeune, January 2010₁ (Hostile Work Environment)
U.S. v. Walker, Baumholder, Germany, February 2010₂* (Sexual Assault)
Maryland v. Mary Koontz, Baltimore County, MD, January 2010₁* (First Degree Murder)
U.S. v. Schwartz, Fort Myer, November 2009₂* (Conspiracy to Commit Murder)
U.S. v. Hall, MCB Quantico, VA, May 2009₂* (Illicit Substance Use, PTSD Mitigation)

1 Government Consultant

2 Defense Consultant

* Indicates Expert Testimony Provided in Addition to Consultation



REPLY TO
ATTENTION OF:

IMND-MEA-DEI

DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRIAL DEFENSE SERVICE
4217 ROBERTS AVENUE, SUITE 5030
FORT MEADE, MARYLAND 20755



9 August 2011

MEMORANDUM THRU Trial Counsel

FOR Commander, U.S. Army Garrison, Joint Base Myer-Henderson Hall, 204 Lee Avenue, Fort Myer, VA 22211-1199

SUBJECT: Request for Computer Forensics Experts to Assist the Defense in *United States v PFC Bradley Manning*.

1. PFC Bradley Manning, the accused, by and through counsel, respectfully requests the employment of Eric Lakes and Trent Struttman as computer forensics experts in the matter of *US v. Manning*. PFC Manning further requests that Mr. Lakes and Mr. Struttman be designated as members of the Defense team under *U.S. v. Toledo*, 25 M.J. 270 (C.M.A. 1987) and Military Rule of Evidence 502.

2. Mr. Lakes and Mr. Struttman are co-owners of Cyber Agents, Inc., a Lexington, Kentucky-based computer forensics firm. Both individuals are well-qualified in the field of computer forensics, and have often been employed for courts-martial cases. PFC Manning is entitled to a proper defense, and computer forensics expertise is necessary for a proper defense.

3. Estimated Fees. Mr. Lakes and Mr. Struttman estimate their services will cost the Government \$14,000.00 excluding associated travel costs (i.e. gasoline, hotel, food, etc.). This \$14,000.00 figure is based on the following:

- a. Mr. Lakes and Mr. Struttman charge \$175.00 per hour per person for their services;
- b. The Government has notified the Defense that the case of *US v. Manning* involves some 8 terabytes of data, and given that figure, Mr. Lakes and Mr. Struttman estimate they can do the necessary computer forensics work in five days. (Note: 8 hours of work per day at \$175.00 per hour per person equates to \$1,400.00 per day per person. \$2,800.00 per day for two people (Mr. Lakes and Mr. Struttman) times five days equates to \$14,000.00 for five days of work);
- c. This \$14,000.00 estimated fee is also derived on the following:
 1. That the computer forensics work will not take place at Mr. Lakes' and Mr. Struttman's lab in Lexington, but rather, that it will take place in the Washington, D.C. area in a properly secured facility;
 2. That Mr. Lakes and Mr. Struttman will provide their own hardware needs except for hard drives. (Note: It is the Defense's understanding that it will be recommended to the Government that the Government provide the necessary hard drives);

SUBJECT: Request for Computer Forensics Experts to Assist the Defense in United States v. PFC Bradley Manning.

3. That Mr. Lakes and Mr. Struttman will provide the necessary Encase software, but that other necessary software will be provided by the Government. (Note: It is the Defense's understanding that the following will be recommended to the Government: 1) that the Government provide the necessary software with the exception of the Encase software and 2) that any licensed software that is nontransferable will either be provided by the Government, or, should Mr. Lakes and/or Mr. Struttman need to purchase such software, that the Government reimburse Mr. Lakes and Mr. Struttman for such software purchases).
 - d. Significance of Estimate. It is important to note that the estimated \$14,000.00 fee is just that – an estimate. Given the sheer volume of data involved in the case of *US v. Manning* (8 terabytes), and given the complexities and uncertainties that can take place in computer forensics work, there is no exact way that a fee can be precisely pinpointed – experts *can only estimate* how long it will take them to do the necessary work. Nonetheless, understanding the amount of data involved and other factors, Mr. Lakes and Mr. Struttman estimate they can complete the work in five days at a cost of \$14,000.00 excluding travel costs. Should Mr. Lakes and Mr. Struttman need more than five days to complete their work, such work will be billed at the rate of \$175.00 per hour per person.
 - c. Note on Travel Costs. The estimated \$14,000.00 fee does not include travel costs. Importantly, Mr. Lakes and Mr. Struttman have made it clear that they desire to drive to the Washington, D.C. area to do their work instead of flying via commercial airfare. Flying from Lexington, KY to Washington, D.C. can be expensive; having Mr. Lakes and Mr. Struttman drive to the Washington, D.C. area would actually save the Government money.
4. Why Two Experts are Requested. Given the sheer volume of computer data involved in the case of *US v. Manning*, and given past experiences of Mr. Lakes and Mr. Struttman, both individuals are confident that two experts doing the computer forensics work is better, more efficient, and less time consuming than having just one computer forensics expert do the work. Simply put, having two computer forensics experts on the Defense team would actually save the Government money as compared to having just one Defense computer forensics expert.
5. The following sections of this request further outline the basis and rationale explaining why the Defense needs Mr. Lakes and Mr. Struttman as computer forensics experts. (Note: for more on Mr. Lakes and Mr. Struttman, to include their CVs, visit www.cyberagentsinc.com).
6. **Law.** § 846. Article 46 of the U.C.M.J. provides that Defense and Government should have equal opportunity to obtain witnesses. In particular, a military accused has, as a matter of Equal Protection and Due Process, a right to expert assistance *when necessary* to present an adequate defense. *U.S. v. Garries*, 22 M.J. 288 (C.M.A. 1986); *U.S. v. Robinson*, 39 M.J. 88 (C.M.A. 1994), citing *Britt v. North Carolina*, 404 U.S. 226 (1971) and *Ake v. Oklahoma*, 470 U.S. 68 (1985). Failure to employ Mr. Lakes and Mr. Struttman would effectively deprive PFC Manning of his ability to present a defense in this case and would deny him “[m]eaningful access to justice.” *Ake v. Oklahoma*, 470 U.S. 68 (1985). The Court of Appeals for the Armed Forces (formerly the Court of Military Appeals) provided a three-pronged test for determining whether government-funded expert assistance is necessary:

SUBJECT: Request for Computer Forensics Experts to Assist the Defense in United States v. PFC Bradley Manning.

First, why the expert is needed? Second, what would the expert assistance accomplish for the accused? Third, why is the defense counsel unable to gather and present the evidence that the expert assistant would be able to develop?

United States v. Gonzalez, 39 M.J. 459 (C.M.A. 1994) (quoting *US v. Allen*, 31 M.J. 542, 623 (N.M.C.M.R. 1990) aff'd, 33 M.J. 209 (C.M.A. 1991)).

7. Why Expert Assistance Is Needed.

a. This case unquestionably involves complex computer message traffic that requires expert analysis and opinion. PFC Manning is charged with serious crimes. Without someone with an expertise in computers and digital forensics, the Defense will not be able to completely understand, evaluate, or prepare a defense to the Government's case.

b. Mr. Lakes and Mr. Struttman are experts in computer forensics. They have been employed before as Defense experts in courts-martial, and they possess numerous certifications. (For more on the qualifications of Mr. Lakes and Mr. Struttman visit www.cyberagentsinc.com).

c. No member of the Defense is learned in the complex field of computer forensics, and none can become so between the time of this request and the date of the Article 32 hearing and of the possible trial.

8. What Would Expert Assistance Accomplish for the Accused.

a. Expert assistance would provide the Defense with the necessary understanding of the complex computer message trafficking involved in this case. Such understanding is not the province of lay people. The experts' explanations are, therefore, critical for the Defense, the finder of fact, Military Judge, and everyone involved in understanding the very essence of the case at hand.

b. Both Mr. Lakes and Mr. Struttman are highly regarded experts in the field of computer forensics. They possess the requisite knowledge, experience, and expertise to fully analyze the Government's evidence and to aid the Accused in the preparation of an effective defense. Both Mr. Lakes and Mr. Struttman would embark on a full review of the evidence in the case to identify any exculpatory information that may be contained in the Government's evidence, and to identify the potential weaknesses in the Government's evidence.

9. Why the Defense Is Unable to Gather and Present this Evidence.

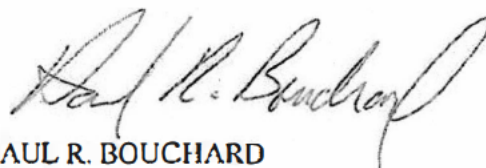
a. No member of the Defense team is trained or otherwise knowledgeable in the complex field of digital forensics. Denying the Accused of this fundamental right to present an adequate and knowledgeable defense would amount to a violation of his Constitutional rights.

b. The requested experts will be advised that they are members of the Defense team and are, as such, obligated to keep all matters concerning the case confidential pursuant to the attorney-client privilege, subject of course to those exceptions should they become a defense witness.

10. For the aforementioned reasons, failure to provide the requested assistance will result in a fundamentally unfair trial. Clearly, this case meets the necessary elements of the Gonzalez case set forth by our highest court, the Court of Appeals for the Armed Forces. The requested experts should thus be appointed to the Defense team as a matter of law.

SUBJECT: Request for Computer Forensics Experts to Assist the Defense in United States v.
PFC Bradley Manning.

11. POC is the undersigned at (b) (6) or
(b) (6)



PAUL R. BOUCHARD
CPT, JA
Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND MHH-ZA

18 Aug 11

MEMORANDUM FOR Mr. David E. Coombs, Civilian Defense Counsel

SUBJECT: Appointment of Defense Computer Forensics Expert Consultants - United States v. PFC Bradley Manning

I reviewed the request for appointment of Mr. Eric Lakes and Mr. Trent Struttman as computer forensic expert consultants for the defense in the above-named case. After careful consideration, the defense request is:

() approved. I appoint Mr. Eric Lakes and Mr. Trent Struttman as computer forensic expert consultants for the defense in the above-named case. I further direct that Mr. Lakes and Mr. Struttman be designated members of the defense team under U.S. v. Toledo, 25 M.J. 270 (C.M.A. 1987) and Military Rule of Evidence 502. I authorize the expenditure of up to \$14,000.00 for computer forensic consultation. Any expenditure of funds in excess of \$14,000.00 will be disapproved, unless the additional amount is approved by me, in advance, through a separate written request and written approval. Additionally, reasonable travel reimbursement and per diem, IAW the JFTR, is authorized.

() disapproved. You are free to renew your request with me, and similarly, if I forward this case, you may renew your request with the GCMCA.

CARL R. COFFMAN, JR.
COL, AV
Commanding

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, August 02, 2011 7:27 PM
To: Coffman, Carl R COL MIL USA
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Subject: Discovery Update (US v. PFC BM)

Importance: Low

Sir,

Below is FYSA. As discussed before, we are continuing to provide evidence in discovery as we receive approvals.

v/r
Ashden

-----Original Message-----

From: (b) (6)
Sent: Tuesday, August 02, 2011 7:19 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Cc: Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
(b) (6) Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; Joshua Tooman
Subject: [Suspected SPAM] RE: Discovery Update (US v. PFC BM)
Importance: Low

Ashden,

Thank you for the update.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Office: 1-800-588-4156
Fax: (508) 689-9282

(b) (6)
www.armycourt martialdefense.com

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----- Original Message -----
Subject: Discovery Update (US v. PFC BM)

From: "Fein, Ashden CPT USA JFHQ-NCR/MDW SJA"

(b) (6)

Date: Tue, August 02, 2011 2:50 pm

To: (b) (6)

Cc: "Matthew kemkes" (b) (6), "Morrow III, JoDean,
CPT USA JFHQ-NCR/MDW SJA" (b) (6)

(b) (6) "Overgaard, Angel M. CPT USA JFHQ-NCR/MDW
SJA" (b) (6), "Ford, Arthur D. WO1 USA

JFHQ-NCR/MDW SJA" (b) (6), "Joshua Tooman"

(b) (6)

David,

We sent you and MAJ Kemkes the following today in discovery (BATES
36618-36802):

CID Case File Updates

FLAG Memo for Sec Army 15-6

SFC Adkins Reduction Board Appeal and Attachments

BM's newly executed Nondisclosure Agreement (NDA)

Your tracking number: 7010 1060 0001 1272 6251.

v/r

Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, August 09, 2011 3:20 PM
To: Coffman, Carl R COL MIL USA
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: FW: Discovery Update (US v. PFC BM)

Sir. FYSA. We sent additional discovery today. Vr Ashden

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, August 09, 2011 3:19 PM
To: (b) (6)
Cc: Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
(b) (6) Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; Joshua Tooman
Subject: Discovery Update (US v. PFC BM)

David,

We sent you and MAJ Kemkes the following today in discovery (BATES 036803):

Quantico Brig Recordings

Your tracking number: 7010 1060 0001 1272 6268

v/r
Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, August 22, 2011 7:08 PM
To: Coffman, Carl R COL MIL USA
Subject: FW: US v. PFC BM Discovery, etc.

Sir. We provided more unclassified discovery. FYSA.

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, August 22, 2011 7:07 PM
To: (b) (6)
Cc: Matthew kemkes; (b) (6) Joshua Tooman; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM Discovery, etc.

David,

Good evening. Below is an update on discovery and other issues:

1. A CD containing the Clausen files (036804-042806) was sent to you (7010-1060-0001-1272-6282) and MAJ Kemkes should have received his copy today or will tomorrow.
2. Last week, I emailed Paul that we should have an answer by COB today on when we expect to have the classified forensic evidence ready for you and your team. For multiple reasons, we will not be able to provide an answer today. I hope to be able to provide an answer by the end of this week to allow you and your experts adequate time to plan for travel.
3. Trent Struttman's clearance is being expeditiously processed. All of his information appears to be received.
4. Contracting has received the CyberAgents contract and is working to award the sole-source contract so we can ensure their payments are preapproved prior to their arrival.
5. We are working on finalizing the acquisition of the defense forensic computer equipment and software. Our intent is to acquire all the material and then send it to your experts (once officially retained by Contracting) so they can preload the software and be ready to go.
6. We are working on finalizing Dr. Moulton's travel arrangements (DTS) so he can freely travel to LVN-CAC.

v/r
Ashden



REPLY TO
ATTENTION OF:

AFZD-TD

DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRIAL DEFENSE SERVICE
FORT MEADE FIELD OFFICE
FORT MEADE, MARYLAND 20755



6 August 2011

MEMORANDUM THRU Staff Judge Advocate, Office of the Staff Judge Advocate, U.S. Army
Military District of Washington, Fort Lesley J. McNair, Washington, D.C. 20319

FOR Commander, U.S. Army Military District of Washington, Fort Lesley J. McNair, Washington,
D.C. 20319

SUBJECT: Request for computer hardware and software for necessary computer forensics work,
matter of *United States v PFC Bradley Manning*.

1. On July 23, 2010, MG Terry A. Wolff, the original convening authority in the matter of *US v. PFC Bradley Manning*, approved the appointment of Mr. Eric Lakes to be part of the Defense Team as a computer forensics expert and set the funding for Mr. Lakes' services at \$5,600.00. (See attachment dated 23 July 2010). On 6 July 2011, the Defense requested additionally funding for Mr. Lakes' services and clarified that the Defense's computer forensics expert assistant for the case at hand was Cyber Agents, Inc. and its employees, not solely Mr. Lakes, the owner of Cyber Agents, Inc. (See attachment dated 6 July 2011). The purpose of this memorandum is to request that the Government provide the Defense with the necessary computer hardware and software products for Cyber Agents, Inc. to do the computer forensics analysis.

2. Cyber Agents, Inc. needs the following hardware and software equipment to properly do the computer forensics to assist PFC Manning in his defense: (Note 1: these hardware and software needs can be purchased at an estimated cost of \$1,256.00 and are further described, including vendor, etc., in the attachment titled Hardware and Software, US v. Manning. Note 2: CAGE Code for Cyber Agents, Inc. is 4BTY1).

Two Samsung SpinPoint MP4 HM500JJ hard drives, 500GB, SATA 300;
Two NetAnalysis v1.52/HstEx v3 (Non-Dongle Version);
Two VMware Workstations7;
Two Snagit licenses;
Two Live View Government Version;
Two Mount Image Pro v4;
Two Microsoft Office 2010;
Two Adobe Acrobat Pro

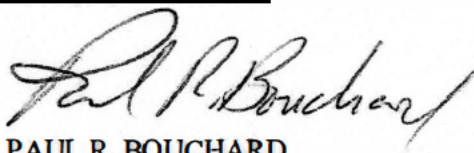
3. The Defense respectfully requests that the Government provide the hardware and software equipment outlined in number 2 above (equipment that is further described in the attachment titled Hardware and Software US v. Manning) to the Defense and/or Cyber Agents, Inc. in order for Cyber Agents, Inc. to conduct the necessary computer forensics. The basis and justification for this request is as follows:

- a. The matter of *US v. Manning* involves some 8 terabytes of computer data, and a proper defense cannot be rendered without proper computer forensics analysis;

SUBJECT: Request for computer hardware and software, matter of United States v. PFC Bradley Manning.

- b. Without the aforementioned computer hardware and software, Cyber Agents, Inc. will not be able to do the necessary computer forensics analysis;
- c. The accused is entitled to a proper defense, and computer forensics analysis is vital to a proper defense;
- d. Should the Government have to purchase the aforementioned equipment and software, such equipment and software costs – estimated at some \$1,300.00 – are not prohibitive;
- e. The aforementioned equipment and software are indeed necessary, and they are readily available on the commercial market.
- f. Importantly, Mr. Lakes and his company, Cyber Agents, Inc., are properly equipped at their facility in Lexington, Kentucky, to conduct computer forensics, but given that some of the computer data in *US v. Manning* is classified as opposed to unclassified data, the Government has made it clear to the Defense and to Cyber Agents, Inc., that the computer forensics will be conducted in a properly secured and approved facility using approved and secured equipment and software. It is this reason that constitutes the necessity for this equipment and software request – because of the classified nature of some of the data in question, Cyber Agents, Inc. cannot use some its own equipment and software.

4. POC is the undersigned at (b) (6) or (b) (6)



PAUL R. BOUCHARD
CPT, JA
Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

18 Aug 11

MEMORANDUM FOR Mr. David E. Coombs, Civilian Defense Counsel

SUBJECT: Defense Request for Computer Hardware and Software - United States v. PFC Bradley Manning

1. I reviewed the request for computer hardware and software to assist appointed computer forensic expert consultants in the above-named case and your request is:

(☒) approved. I authorize \$1,400.00 for the purchase of the below requested equipment and software:

- a. x2 500GB hard drive.
- b. x2 NetAnalysis v1.52/HstEx v3 (Non-Dongle Version) Software.
- c. x2 VMware Workstation 7 Software.
- d. x2 Snagit License.

() disapproved. You are free to renew your request with me, and similarly, if I forward this case, you may renew your request with the GCMCA.

2. The United States will provide the following items:

- a. x2 Live View (Government Version) Software.
- b. x2 Mount Image Pro v4 Software.
- c. x2 Microsoft Office 2007 Software.
- d. x2 Adobe Acrobat Pro 9 Software.

CARL R. COFFMAN, JR.
COL, AV
Commanding

TAB 7



REPLY TO
ATTENTION OF

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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

25 August 2011

MEMORANDUM FOR Commander, U.S. Army Garrison, Joint Base Myer – Henderson Hall,
204 Lee Avenue, Fort Myer, VA 22211-1199

SUBJECT: Request for Delay of Article 32 Investigation United States v. PFC Bradley Manning

1. PURPOSE. The prosecution in the above-referenced case requests you continue to delay restarting the Article 32 investigation until the United States receives the proper authority to release discoverable unclassified and classified evidence and information to the defense. This consent is necessary for the United States to fulfill its discovery obligations under Article 46, UCMJ and the Rules for Courts-Martial (RCM), as well as for the defense to adequately prepare for the Article 32 investigation.

2. UPDATE.

a. The prosecution is continuing to work with relevant Original Classification Authorities (OCAs) to obtain consent to disclose classified evidence and information to the defense along with receiving completed classification reviews.

b. CID is conducting a secondary review of the derivative classification of the forensic reports. Recently, the government's security expert reviewed the forensic reports and advised that portions of the reports should be reviewed based on the Security Classification Guides governing the information. The prosecution intends to produce the full reports once a final determination of the derivative classification is made by CID Command and the Army G2 gives release consent. Three of these reports are unclassified in their entirety, and were given to the defense on 25 July 2011.

c. The prosecution submitted the unclassified CID case file to the National Security Agency (NSA) and another government intelligence organization (OGA) to have their experts review the file for classified equities. The NSA identified approximately twenty sensitive documents requiring further review by their subject matter experts. The OGA identified approximately six sensitive documents requiring further review by their subject matter experts. The OGA completed its additional review, but the NSA review is ongoing.

d. The U.S. Attorney's Office for the Eastern District of Virginia has obtained all authorizations from the relevant district court judges on behalf of the prosecution, and the prosecution is currently obtaining signed protective orders from defense, as required by the district court judges, to allow disclosure of all relevant exhibits and documents to the defense.

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ANJA CL

SUBJECT: Request for Delay of Article 32 Investigation United States v. PFC Bradley Manning

c. The prosecution is continuing to work with the Federal Bureau of Investigation (FBI) and the Diplomatic Security Service (DSS) to receive authorization to disclose relevant portions of any case files. This includes obtaining copies of the FBI and DSS case files, if any, to conduct a search of the files for discoverable information.

f. Since the previous request, the prosecution produced 21,442 pages of documents (bates numbers 021364-042806). The evidence and information disclosed included the vast majority of the unclassified CID case file, the MAJ Clausen administrative reprimand file, recordings of all visits with PFC Manning at MCB-Q, and various other documents. As the prosecution receives other approvals, it will continue to disclose evidence and information to the defense.

3. **EXCLUDABLE DELAY.** As the convening authority, you have the authority to grant a reasonable delay under the facts and circumstances of a particular case. Reasons to grant a delay include, for example, time to enable counsel to prepare for trial in complex cases, time to obtain appropriate security clearances for access to classified information, or time to secure the availability of evidence. See RCM 707(c), Discussion.

4. **REQUEST.** Given the complexity of this case, stemming from the number of classification authorities involved and the volume of information requiring classification reviews, the prosecution requests a reasonable delay of restarting the Article 32 investigation until the earlier of the completion of the OCA Disclosure Requests, OCA Classification Reviews, final determination of derivative classifications, final review of the CID case file by the NSA, and release authority from relevant district court judges, or 27 September 2011. The prosecution has actively and diligently worked to resolve all outstanding issues to ensure timely release of all possible information to the defense so their ability to represent and potentially defend their client will be in no way impaired. For the reasons stated above, the United States requests the period between 22 April 2011 and the restart of the Article 32 investigation be designated as excludable delay under RCM 707(c). The prosecution will provide you an update no later than 23 September 2011.

5. The point of contact for this memorandum is the undersigned at (b) (6)



ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Defense Counsel

From: (b) (6)
Sent: Saturday, August 27, 2011 6:31 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <(b) (6)>
Cc: Matthew kemkes (b) (6);
(b) (6); Tooman, Joshua J CPT MIL US USA
TRADOC (b) (6); (b) (6); Morrow III,
JoDean, CPT USA JFHQ-NCR/MDW SJA (b) (6);
Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
(b) (6); Ford, Arthur D. WO1 USA JFHQ-
NCR/MDW SJA (b) (6)
Subject: Re: US v. PFC BM (Art 32 Delay Request)

Mr. Coombs,
Do you have any issues or additions?
COL Coffman
Sent via BlackBerry by AT&T

From: (b) (6)
Sent: Saturday, August 27, 2011 7:51 PM
To: (b) (6)
Cc: Matthew kemkes (b) (6); Tooman, Joshua J CPT MIL US
USA TRADOC (b) (6); (b) (6) Morrow
III, LeDean CPT USA JFHQ NCR/MDW SJA
(b) (6) Overgaard, Angel M. CPT USA JFHQ-
NCR/MDW SJA (b) (6); Ford, Arthur D. WO1
USA JFHQ-NCR/MDW SJA (b) (6) Fein, Ashden CPT
USA JFHQ-NCR/MDW SJA (b) (6)
Subject: [Suspected SPAM] RE: US v. PFC BM (Art 32 Delay Request)

Sir,

The Defense maintains its previous position that any additional delay should not be excluded under R.C.M. 707(c). Instead, the requested delay should be credited to the Government for speedy trial purposes under Article 10 of the Uniform Code of Military Justice.

V/R
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282

(b) (6)

www.armycourtmarshalderehse.com

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA


29 AUG 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Delay of Article 32 Investigation - PFC Bradley Manning

1. On 25 August 2011, the prosecution submitted a request to delay restarting the Article 32 Investigation until the United States receives proper authority to release discoverable unclassified evidence and information, as well as consent from all the Original Classification Authorities (OCAs) involved in this case to release discoverable classified evidence and information to the defense. *See* Enclosure 1. On 27 August 2011, the defense maintained its previous position that any additional delays should not be excluded under Rule for Courts-Martial (RCM) 707(c). *See* Enclosure 2.

2. This request is:


() approved. The Article 32 Investigation is delayed until the earlier of the completion of the OCA Disclosure Requests and OCA Classification Reviews, final determination of derivative classifications, final review of the CID case file by the NSA, and authorization is granted to disclose protected unclassified information, or 27 September 2011. The period between 22 April 2011 and the restart of the Article 32 Investigation is excludable delay under RCM 707(c). The prosecution is required to provide me an update no later than 23 September 2011.

() disapproved. The Article 32 Investigation will restart within thirty days of this memorandum.

3. After reviewing pertinent portions of the case file and receiving an update of the procedures being followed in this case, it is my understanding that ongoing national security concerns exist in this case, as well as an ongoing law enforcement investigation(s) into PFC Manning and others. In light of the national security concerns and ongoing investigation(s), the prosecution will cautiously proceed with the disclosure of information, but will comply with its obligations under Article 46, UCMJ, RCM 405, RCM 701, RCM 703, and applicable case law. In addition, once the prosecution receives the authority to disclose previously undisclosed information to the defense, it will do so expeditiously to minimize any unnecessary delay.

2 Encls

1. Prosecution Request, 25 August 2011
2. Defense Response, 27 August 2011



CARL R. COFFMAN, JR.
COL, AV
Commanding

DISTRIBUTION:

- 1-Article 32 IO
- 1-Trial Counsel
- 1-Defense Counsel



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ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

15 SEP 2011

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – United States v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 10 August 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The period of excludable delay is reasonable based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - d. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - e. Government Request for Delay of Article 32 Investigation, dated 25 August 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed), and the renewed request for speedy trial, dated 25 July 2011 (enclosed).

Encls
as

A handwritten signature in black ink, appearing to read "Coffman", is positioned above the typed name.

CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, September 01, 2011 11:14 AM
To: Coffman, Carl R COL MIL USA
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: FW: US v. PFC BM (Discovery Update)

Sir. FYSA.

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, September 01, 2011 11:13 AM
To: (b) (6)
Cc: 'Kemkes, Matthew J MAJ MIL USA'; (b) (6); 'Joshua Tooman'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Discovery Update)

David,

We placed a DVD in the mail today containing unclassified discovery (BATES: 042807-044864). This DVD includes multiple pretrial confinement documents from the confinement facilities. A copy is being delivered to MAJ Kemkes today.

v/r
Ashden

TAB 8

FOR OFFICIAL USE ONLY

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

26 September 2011

MEMORANDUM FOR Commander, U.S. Army Garrison, Joint Base Myer – Henderson Hall, 204 Lee Avenue, Fort Myer, VA 22211-1199

SUBJECT: Request for Delay of Article 32 Investigation – United States v. PFC Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests you continue to delay restarting the Article 32 investigation until the United States receives the proper authority to release discoverable unclassified and classified evidence and information to the defense. This consent is necessary for the United States to fulfill its discovery obligations under Article 46, UCMJ and the Rules for Courts-Martial (RCM), as well as for the defense to adequately prepare for the Article 32 investigation.

2. **UPDATE.**

a. The prosecution is continuing to work with relevant Original Classification Authorities (OCAs) to obtain consent to disclose classified evidence and information to the defense and to receive completed classification reviews. Since the last request, the prosecution received a classification review from the OCA at U.S. Cyber Command. Additionally, the prosecution is working closely with the Department of State and U.S. Southern Command and expects to receive classification reviews for more than eighty documents within the next two weeks.

b. CID started the necessary secondary review of the derivative classification of the forensic reports, and the forensic reports are currently in the final stages of review before release. After CID completes its review and once the Army G2 gives consent to release, the prosecution intends to produce the full reports, with their enclosures and attachments to the defense.

c. The prosecution submitted the unclassified CID case file to the National Security Agency (NSA) and another government intelligence organization (OGA) to have their experts review the file for classified equities. Both the NSA and OGA completed their additional review. The prosecution is working with the NSA to provide portion-marked version of the documents they deemed classified.

d. The U.S. Attorney's Office for the Eastern District of Virginia obtained all authorizations from the relevant district court judges on behalf of the prosecution. The prosecution is continuing to obtain signed protective orders from the defense, as required by the district court judges, to allow disclosure of all relevant exhibits and documents to the defense.

e. The prosecution continues to work with the Federal Bureau of Investigation (FBI) and the Diplomatic Security Service (DSS) to receive authorization to disclose relevant portions of any case files. The prosecution received copies of the FBI and DSS case files and started to review these files for discoverable information. Once the prosecution identifies discoverable information, it will work to obtain the proper authorization to produce the relevant portions to the defense.

f. Since the previous request, the prosecution produced 2,494 pages of documents (bates numbers 042807-045301). The evidence and information disclosed included documentation from the confinement

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ANJA-CL

SUBJECT: Request for Delay of Article 32 Investigation – United States v. PFC Bradley Manning

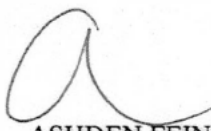
facilities, as well as the majority of two classified military intelligence investigative case files. As the prosecution receives other approvals, it will continue to disclose evidence and information to the defense.

g. The prosecution continues to work with the defense to frontload any administrative requirements for the defense members and their forensic computer experts to review classified information and evidence. Since the last request, the prosecution provided the defense with specialized hardware and software so that they are able to review all classified discovery and their experts may use their own personal equipment to analyze and review forensic duplicates of the evidence. Additionally, the prosecution provided a large volume storage device to CID so that a forensic duplicate of the evidence is available to the defense once the final authorization to release classified information is obtained.

3. **EXCLUDABLE DELAY.** As the convening authority, you have the authority to grant a reasonable delay under the facts and circumstances of a particular case. Reasons to grant a delay include, for example, time to enable counsel to prepare for trial in complex cases, time to obtain appropriate security clearances for access to classified information, or time to secure the availability of evidence. See RCM 707(c), Discussion.

4. **REQUEST.** Given the complexity of this case, stemming from the number of classification authorities involved and the volume of information requiring classification reviews, the prosecution requests a reasonable delay of restarting the Article 32 investigation until the earlier of the completion of the OCA Disclosure Requests, OCA Classification Reviews, final determination of derivative classifications, receipt of signed protective orders from the defense, and properly portion-marked classified documents by the NSA, or 27 October 2011. The prosecution has actively and diligently worked to resolve all outstanding issues to ensure timely release of all possible information to the defense so their ability to represent and potentially defend their client will be in no way impaired. For the reasons stated above, the United States requests the period between 22 April 2011 and the restart of the Article 32 investigation be designated as excludable delay under RCM 707(c). The prosecution will provide you an update no later than 25 October 2011.

5. The point of contact for this memorandum is the undersigned at (b) (6)



ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Defense Counsel

From: (b) (6)
Sent: Tuesday, September 27, 2011 12:27 PM
To: (b) (6)
Cc: Matthew kemkes (b) (6); Morrow III, JoDean, CPT USA
JFHQ-NCR/MDW SJA (b) (6)
(b) (6) Haberland, John CPT MIL USA
(b) (6) Overgaard, Angel M. CPT USA JFHQ-NCR/MDW
SJA (b) (6); Tooman, Joshua J CPT MIL US USA
TRADOC (b) (6) Fein, Ashden CPT USA JFHQ-NCR/MDW
SJA (b) (6)
Subject: [Suspected SPAM] RE: US v. PFC BM (Art 32 Delay Request)

Sir,

The Defense maintains its previous position that any additional delay should not be excluded under R.C.M. 707 (c). Instead, the requested delay should be credited to the Government for speedy trial purposes under Article 10 of the Uniform Code of Military Justice.

V/R
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282

(b) (6)
www.armycourt martialdefense.com

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA


28SEP2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Delay of Article 32 Investigation - United States v. PFC Bradley Manning

1. On 26 September 2011, the prosecution submitted a request to delay restarting the Article 32 Investigation until the completion of Original Classification Authority (OCA) disclosure requests, OCA classification reviews, a final determination of derivative classifications, receipt of signed protective orders from the defense, and properly portion-marked classified documents by the National Security Agency (NSA), or 27 October 2011. See Enclosure 1. On 27 September 2011, the defense maintained its previous position that any additional delay should not be excluded under Rule for Courts-Martial (RCM) 707(c). See Enclosure 2.

2. This request is:

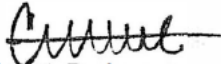
() approved. The Article 32 Investigation is delayed until the earlier of the completion of the OCA disclosure requests, OCA classification reviews, a final determination of derivative classifications, receipt of signed protective orders from the defense, and properly portion-marked classified documents by the NSA, or 27 October 2011. The period between 22 April 2011 and the restart of the Article 32 Investigation is excludable delay under RCM 707(c). The prosecution is required to provide me an update no later than 25 October 2011.

() disapproved. The Article 32 Investigation will restart within thirty days of this memorandum.

3. After reviewing pertinent portions of the case file and receiving an update of the procedures being followed in this case, it is my understanding that ongoing national security concerns exist in this case, as well as an ongoing law enforcement investigation(s) into PFC Manning and others. In light of the national security concerns and ongoing investigation(s), the prosecution will cautiously proceed with the disclosure of information, but will comply with its obligations under Article 46, UCMJ, RCM 405, RCM 701, RCM 703, and applicable case law. In addition, once the prosecution receives the authority to disclose previously undisclosed information to the defense, it will do so expeditiously to minimize any unnecessary delay.

2 Encls

1. Prosecution Request, 26 Sep 11
2. Defense Response, 27 Sep 11


CARL R. COFFMAN, JR.
COL, AV
Commanding

DISTRIBUTION:

- 1-Article 32 IO
- 1-Trial Counsel
- 1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

14 OCT 2011

IMND-MHH-ZA

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – United States v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 15 September 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The period of excludable delay is reasonable based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - d. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - e. Government Request for Delay of Article 32 Investigation, dated 26 September 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed), and the renewed request for speedy trial, dated 25 July 2011 (enclosed).

CARL R. COFFMAN, JR.
COL, AV
Commanding

Encls
as

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, October 13, 2011 1:10 PM
To: Coffman, Carl R COL MIL USA
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: FW: US v. PFC BM (Discovery)

Sir. FYSA. We produced additional discovery. As of yesterday, a total of 45,581 pages.

v/r
Ashden

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, October 13, 2011 1:09 PM
To: '(b) (6)'
Cc: Matthew kemkes; 'Tooman, Joshua J CPT MIL US USA TRADOC';
'paul.r.bouchard@us.army.mil'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA
JFHQ-NCR/MDW SJA; 'Melissa Santiago'
Subject: US v. PFC BM (Discovery)

David,

Yesterday, we sent to you (tracking # 7010 1060 0001 1274 4019) and delivered to MAJ Kemkes unclassified discovery (BATES: 00045302-00045581). These documents are miscellaneous documents from the CID case file. We also re-delivered the three classified laptops to the TDS office and verified that CW2 Santiago could log on to one of them.

v/r
Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, October 21, 2011 7:04 AM
To: Coffman, Carl R COL MIL USA
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: FW: US v. PFC BM (Discovery)

Sir. FYSA-Ongoing unclassified discovery production.

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, October 21, 2011 7:03 AM
To: (b) (6)
Cc: Matthew kemkes; 'Tooman, Joshua J CPT MIL US USA TRADOC';
(b) (6); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA
JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Discovery)

David,

Yesterday, we sent to you (tracking: 7010 1060 0001 1274 4026) miscellaneous CID documents from their case file (00045582-00046073). We also delivered a copy to MAJ Kemkes. Have a good weekend.

v/r
Ashden



DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRIAL DEFENSE SERVICE, ATLANTIC REGION
FORT MYER FIELD OFFICE
FORT MYER, VIRGINIA 22211

REPLY TO
ATTENTION OF:

ANJA-TDS

20 September 2011

MEMORANDUM FOR Commander, Joint Base Myer-Henderson Hall, 204 Lec Avenue, Fort Myer, Virginia 22211-1199

SUBJECT: Request for Courier Cards


1. I am requesting your assistance with issuing CONUS/SECRET courier cards to designated members of the defense team representing PFC Bradley Manning. For the reasons below, we are requesting courier cards from the government as soon as possible.

2. There is an immediate legitimate need for the defense team to transport classified evidence. The government delivered three classified laptops and four compact discs containing classified data to my office yesterday. Defense team members need courier cards to allow us to transport the laptops and computers to other locations where our defense experts can use them to prepare for the case. In addition, we will need courier cards to travel between the TDS offices, and eventually to the trial which is expected to take place at Fort Meade.

3. Cards are required for the following defense members:

- a. MAJ Matthew Kemkes, Fort Myer TDS
- b. CPT Paul Bouchard, Fort Meade TDS
- c. CPT Josh Tooman, Fort Leavenworth TDS
- d. CW2 Melissa Santiago, Fort Myer TDS
- e. SSG Cherise Purcell, Fort Myer TDS

4. You may contact me at (b) (6) or (b) (6). Thank you for your consideration of my request.


MATTHEW J. KEMKES
MAJ, JA
Senior Defense Counsel

TAB 9

FOR OFFICIAL USE ONLY

REPLY TO
ATTENTION OFDEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

25 October 2011

MEMORANDUM FOR Commander, U.S. Army Garrison, Joint Base Myer – Henderson Hall,
204 Lee Avenue, Fort Myer, VA 22211-1199

SUBJECT: Request for Delay of Article 32 Investigation United States v. PFC Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests you continue to delay restarting the Article 32 investigation until the United States receives the proper authority to release discoverable classified evidence and information to the defense. This consent is necessary for the United States to fulfill its discovery obligations under Article 46, UCMJ and the Rules for Courts-Martial (RCM), as well as for the defense to adequately prepare for the Article 32 investigation.

2. **UPDATE.**

a. The prosecution is continuing to work with relevant Original Classification Authorities (OCAs) to obtain consent to disclose classified evidence and information to the defense and to receive completed classification reviews. Within the last several days, the prosecution received a classification review of approximately one hundred documents and a video from the OCA at U.S. Central Command. Additionally, the prosecution is continuing to work closely with the Department of State, a government intelligence agency (OGA), and U.S. Southern Command and expects to receive classification reviews for more than eighty documents before 1 November 2011.

b. CID completed the necessary secondary review of the derivative classification of the forensic reports, and the prosecution is currently processing and packaging the forensic reports, enclosures, and attachments for delivery to the Army G2 no later than 27 October 2011. These reports consist of over 40,000 documents totaling more than 300,000 pages. The prosecution will release the final forensic reports to the defense once the review by the Army G2 is complete and consent to disclose is received.

c. The prosecution submitted the unclassified CID case file to the National Security Agency (NSA) and an OGA to have their experts review the file for classified equities. Both the NSA and OGA completed their additional review. Absent an unforeseen administrative issue, the prosecution will produce portion-marked versions of the documents deemed classified by the NSA and OGA no later than 27 October 2011.

d. Based on discussions with multiple OGAs, the prosecution's security expert is developing an evidence classification guide (ECG) to aid law enforcement, prosecution, defense, and other

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FOR OFFICIAL USE ONLY

ANJA-CL

SUBJECT: Request for Delay of Article 32 Investigation – United States v. PFC Bradley Manning

government officials in understanding what specific investigative information is classified. Although this guide will not be a security classification guide published by an OCA, this guide based on derivative classifications can be used by all parties and potential witnesses to understand what information is classified or not. In the short-term, the guide will be used by CID agents and other government officials when discussing the case with the defense.

e. The prosecution continues to work with the Federal Bureau of Investigation (FBI) and the Diplomatic Security Service (DSS) to receive authorization to disclose relevant portions of any case files. The prosecution received copies of the FBI and DSS case files and started to review these files for discoverable information. Once the prosecution identifies discoverable information, it will work to obtain the proper authorization to produce the relevant portions to the defense.

f. Since the previous request, the prosecution produced 771 pages of documents (bates numbers 045302-046073). The evidence and information disclosed consisted of additional documents from the CID case file. As the prosecution receives other approvals, it will continue to disclose evidence and information to the defense.

g. The prosecution scheduled a meeting with the defense for 8-9 November 2011. The purpose of the meeting is for the prosecution to present its case, including a discussion of the evidence supporting the charges against the accused, and present potential plea terms. The goal of the meeting is to help the defense focus their review of the voluminous forensic evidence and potentially minimize future delays.

h. The prosecution continues to work with the defense to frontload any administrative requirements for the defense members and their forensic computer experts to review classified information and evidence. Since the last request, the prosecution effected the re-imaging of three classified laptop computers previously provided to the defense to process classified information. Additionally, the prosecution ordered several items requested by defense counsel, including a color printer, a GSA-approved shredder, and large courier bags for transporting classified information.

3. EXCLUDABLE DELAY. As the convening authority, you have the authority to grant a reasonable delay under the facts and circumstances of a particular case. Reasons to grant a delay include, for example, time to enable counsel to prepare for trial in complex cases, time to obtain appropriate security clearances for access to classified information, or time to secure the availability of evidence. See RCM 707(c), Discussion.

4. REQUEST. Given the complexity of this case, stemming from the number of classification authorities involved and the volume of information requiring classification reviews, the prosecution requests a reasonable delay of restarting the Article 32 investigation until the earlier of the completion of the OCA Disclosure Requests, OCA Classification Reviews, and receipt of signed protective orders from the defense, or 28 November 2011. The prosecution has actively

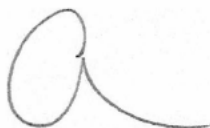
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ANJA-CL

SUBJECT: Request for Delay of Article 32 Investigation United States v. PFC Bradley Manning

and diligently worked to resolve all outstanding issues to ensure timely release of all possible information to the defense so their ability to represent and potentially defend their client will be in no way impaired. For the reasons stated above, the United States requests the period between 22 April 2011 and the restart of the Article 32 investigation be designated as excludable delay under RCM 707(c). The prosecution will provide you an update no later than 23 November 2011.

5. The point of contact for this memorandum is the undersigned at (b) (6)



ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Defense Counsel

From: (b) (6)
Sent: Tuesday, October 25, 2011 6:49 PM
To: (b) (6)
Cc: Matthew kemkes (b) (6); Morrow III, JoDean, CPT USA
JFHQ-NCR/MDW SJA (b) (6);
(b) (6) Haberland, John CPT MIL USA
(b) (6) Overgaard, Angel M. CPT USA JFHQ-NCR/MDW
SJA (b) (6); Tooman, Joshua J CPT MIL. US USA
TRADOC (b) (6) Fein, Ashden CPT USA JFHQ-NCR/MDW
SJA (b) (6)
Subject: [Suspected SPAM] RE: US v. PFC BM (Art 32 Delay Request)

Sir,

The defense maintains its previous position that any additional delay should not be excluded under R.C.M. 707 (c). Instead, the requested delay should be credited to the Government for speedy trial purposes under Article 10 of the Uniform Code of Military Justice.

V/R
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282

(b) (6)
www.armycourt martialdefense.com

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA


27 OCT 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Delay of Article 32 Investigation - United States v. PFC Bradley Manning

1. On 25 October 2011, the prosecution submitted a request to delay restarting the Article 32 Investigation until the completion of Original Classification Authority (OCA) disclosure requests, OCA classification reviews, and receipt of signed protective orders from the defense, or 28 November 2011. See Enclosure 1. On 25 October 2011, the defense maintained its previous position that any additional delay should not be excluded under Rule for Courts-Martial (RCM) 707(c). See Enclosure 2.

2. This request is:

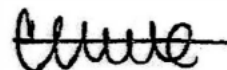
() approved. The Article 32 Investigation is delayed until the earlier of the completion of the OCA disclosure requests, OCA classification reviews, and receipt of signed protective orders from the defense, or 28 November 2011. The period between 22 April 2011 and the rest of the Article 32 Investigation is excludable delay under RCM 707(c). The prosecution is required to provide me an update no later than 23 November 2011.

() disapproved. The Article 32 Investigation will restart within thirty days of this memorandum.

3. After reviewing pertinent portions of the case file and receiving an update of the procedures being followed in this case, it is my understanding that ongoing national security concerns exist in this case, as well as an ongoing law enforcement investigation(s) into PFC Manning and others. In light of the national security concerns and ongoing investigation(s), the prosecution will cautiously proceed with the disclosure of information, but will comply with its obligations under Article 46, UCMJ, RCM 405, RCM 701, RCM 703, and applicable case law. In addition, once the prosecution receives the authority to disclose previously undisclosed information to the defense, it will do so expeditiously to minimize any unnecessary delay.

2 Encls

1. Prosecution Request, 25 Oct 11
2. Defense Response, 25 Oct 11



CARL R. COFFMAN, JR.
COL, AV
Commanding

DISTRIBUTION:

- 1-Article 32 IO
- 1-Trial Counsel
- 1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

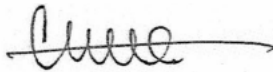
16 Nov 11

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – United States v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 14 October 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The period of excludable delay is reasonable based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - d. Government Request for Delay of Article 32 Investigation, dated 27 October 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed), and the renewed request for speedy trial, dated 25 July 2011 (enclosed).

Encls
as


CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, November 04, 2011 6:07 PM
To: (b) (6)
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: FW: US v. PFC BM (Discovery & Meeting Location)

Sir. FYSA below. BLUF: we received final approval to turnover classified forensic data and did so today. A total of 329,055 pages. Waiting on the last 2 classification reviews. Once we receive or at least confirmation they will be complete, we will request a restart of the Article 32. I estimate this request to come to you by the end of next week.

Have a good weekend.

v/r
Ashden

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, November 04, 2011 6:02 PM
To: (b) (6); Kemkes, Matthew J MAJ MIL USA; Tooman, Joshua J CPT MIL US USA TRADOC; Bouchard, Paul R CPT USA MIL (US)
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Discovery & Meeting Location)

David,

DISCOVERY

Today, we received final approval to turn-over the relevant classified information contained in the forensic reports. CW2 Santiago signed for two sets of disks, containing the forensic reports and specific native files (BATES 00046074-00375129).

The production consists of the portions of the forensic reports the government intends to use in its case. The associated native files are non-word processed files, such as audio/visual files and spreadsheets, and each has an associated placeholder document with a single BATES stamp.

If you have any questions, please let us know.

MEETING LOCATION

On Monday, I will send out the exact location of our meeting. We are trying to reserve a different conference room at Fort McNair and will know by Monday.
Please plan on starting by 0900.

Thank you and have a good weekend.

v/r
Ashden

TAB 10

FOR OFFICIAL USE ONLY (SECRET//NOFORN w/ ENCLOSURES 2 OR 3)

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

16 November 2011

MEMORANDUM FOR Commander, U.S. Army Garrison, Joint Base Myer – Henderson Hall, 204 Lee Avenue, Fort Myer, VA 22211-1199

SUBJECT: Request to Restart Article 32 Investigation – United States v. PFC Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case makes a two-fold request. First, the prosecution requests you direct the investigating officer to restart the Article 32 investigation. The prosecution is prepared to proceed and, by 1 December 2011, should receive all approvals and classification reviews necessary to proceed. Second, the prosecution requests the period from the date of this memorandum to 16 December 2011 be approved as excludable delay.

2. **ARTICLE 32 RESTART REQUEST.** The prosecution requests you direct the investigating officer to restart the Article 32 investigation. Since 25 October 2011, the prosecution has continued to work diligently to resolve the following issues that served as a basis for the delay of the Article 32 investigation:

a. Original Classification Authorities (OCA) reviews of classified information. The prosecution received completed classification reviews for all charged documents, except the final charged document relevant to Specification 15 of Charge II. *See* Enclosure 1. On 14 November 2011, the prosecution received written confirmation from an OCA delegate that the classification review for the final charged document will be completed no later than 1 December 2011, if it is determined that such a declaration is necessary. *See* Enclosure 2. Based upon this commitment, the prosecution requests the Article 32 investigation restart at this time to avoid further delay.

b. OCA consent to disclose classified information. Under Executive Orders 12958 and 13526 (as applicable) and Army Regulations 380-5 and 380-67, the United States cannot release classified information originating in a department or agency to parties outside of the executive branch without the consent of the OCA or their delegate. The prosecution worked diligently with all of the departments and agencies that originally classified the information and evidence sought to be disclosed to the defense and the accused, including CID, whose unclassified case file consisted of several exhibits and documents containing classified information. The prosecution disclosed such information upon receipt of the Department of the Army's approval. The prosecution recently produced approximately 380,000 pages of discovery, including (1) all charged documents; (2) all final forensic reports; (3) the complete unclassified CID case file; (4) classification reviews; and (5) two classified military intelligence investigative case files.

c. Defense request for appropriate security clearances for the defense team and access for the accused. On 3 September 2010, the defense submitted a request for security clearances for the defense team and access for the accused. *See* Enclosure 3. All members of the defense team received their security clearances on or before 13 October 2011. On 4 November 2011, the prosecution received the final approval necessary for the defense team and accused to access all the charged classified information. *See* Enclosure 2.

FOR OFFICIAL USE ONLY (SECRET//NOFORN w/ ENCLOSURES 2 OR 3)

FOR OFFICIAL USE ONLY (SECRET//NOFORN w/ ENCLOSURES 2 OR 3)

ANJA-CL

SUBJECT: Request to Restart Article 32 Investigation – United States v. PFC Bradley Manning

3. **EXCLUDABLE DELAY.** The prosecution requests the period from the date of this memorandum to 16 December 2011 be approved as excludable delay under RCM 707(c) for the following reasons:


a. The prosecution is continuing to work with a relevant OCA to obtain a completed classification review for the final charged document relevant to Specification 15 of Charge II. The prosecution received written confirmation from the OCA's delegate that the classification review for the final charged document will be completed no later than 1 December 2011. *See* Enclosure 2.

b. The command requires adequate time to execute OPLAN BRAVO, a prerequisite for the Article 32 proceeding given the facts and circumstances of this case and the public interest in this hearing. *See* Enclosure 4.

(1) OPLAN BRAVO directs early planning for, and ensures coordinated and synchronized support of, all aspects of the Article 32 proceeding. On order, OPLAN BRAVO requires the command to coordinate travel, security, public affairs, infrastructure support, including Department of Army assets for movement, and interagency support for both the substance and administration of the above-referenced case. The mission's key tasks include safely and securely transporting and maintaining custody of the accused, providing physical security and support at all stages of the proceeding, and conducting public affairs and media support.

(2) The command, including its subordinate units and staff sections, requires thirty days to initiate OPLAN BRAVO to execute the specified tasks outlined in Enclosure 4, including allowing adequate time for contracts to be executed. OPLAN BRAVO and its associated tasks/requirements do not begin until you restart the Article 32 investigation.

4. The point of contact for this memorandum is the undersigned at (b) (6)


 ASHDEN FEIN
 CPT, JA
 Trial Counsel

4 Encls

1. Classification Reviews (x7) (S//NF)
2. Email, 14 Nov 11 (S//NF)
3. Memo, 3 Sep 10
4. OPLAN BRAVO w/ Attachments (LES)

CF:

Defense Counsel (wo/encls)

Note: Enclosure 1 was produced in discovery. Enclosures 2 and 4 are on file with the prosecution and available anytime for inspection by the defense.

HQ, U.S. Army Military District of Washington (MDW)
Fort McNair, DC 20319-5058
07 Sep 2011

**FRAGO 1 to MILITARY DISTRICT OF WASHINGTON (MDW) OPERATIONS PLAN (OPLAN) 11-30
OPERATION BRAVO (U)**

References:

- a. Department of the Army (DA) Executive Order (EXORD) 206-11 in support of (ISO) TRIAL SUPPORT TASK FORCE, DTG 111950Q MAY 11.
- b. Army Regulation 10-87, dated 4 September 2007, Major Army Commands, Army Service Component Commands, and Direct Reporting Units.
- c. US Army Military District of Washington (MDW) Regulation 525-8, dated June 1994, MDW Tasking Authority.
- d. Posse Comitatus Act, Title 18, U.S. Code, Sec. 1385.
- e. Military District of Washington Tasking Directive for Daily Installation Force Protection and Law Enforcement Support to JBM-HH, Ft. Belvoir and Ft. Meade; dated 07 APR 2010.
- f. Uniform Code of Military Justice (UCMJ); Manual for Courts-Martial (2008).

Time Zone Used Throughout This Order: Quebec (13 March 2011 – 06 November 2011).

Task Organization: Change to read:

Phase I, IV-V

United States (U.S.) Army Military District of Washington (MDW)

3rd U.S. Infantry Regiment (3d IN REG)

289th Military Police (MP) Company

241st MP Detachment, Fort Meade (FGGM)

Army Air Operations Group (AAOG)

U.S. Army Priority Air Transport (USAPAT)

U.S. Army Garrison, Joint Base Myer – Henderson Hall (JBM-HH) (TACON) in coordination with (ICW) Installation Management Command (IMCOM)

U.S. Army Garrison, Fort Meade (FGGM) ICW IMCOM

Phase II-III

United States (U.S.) Army Military District of Washington (MDW)

3rd U.S. Infantry Regiment (3d IN REG)

289th Military Police (MP) Company

Army Air Operations Group (AAOG)

U.S. Army Priority Air Transport (USAPAT)

U.S. Army Garrison, Joint Base Myer – Henderson Hall (JBM-HH) in coordination with (ICW) Installation Management Command (IMCOM)

U.S. Army Garrison, Fort Meade (FGGM) ICW IMCOM

241st MP Detachment, Fort Meade (FGGM) (OPCON)

Detachment, 289th MP Co (TACON)

1. Situation. The U.S. Army Military District of Washington will plan and conduct operations in support of the unhindered transfer, Article 32 hearing (if any), trial (if any) and motion hearing (if any) of the accused for an upcoming high-profile trial proceeding.

A. Background. Change to read: The date for the start of the Article 32 hearing is not determined, as of this OPLAN publishing date. Estimated earliest date is 03 Oct 2011.

B. Area of Interest. Washington DC, Prince George's, Anne Arundel and Howard Counties, MD; Fort Leavenworth, KS (FLKS) and Highways I-495, I-295 and MD 175. Refer to Annex B (Intelligence) as required.

C. Area of Operations. Joint Regional Corrections Facility (JRCF) Fort Leavenworth, KS (FLKS); Joint Base Andrews, MD (JBA); Fort Meade, MD (FGGM); Howard County Corrections Facility, MD (HCCF); Highways I-495, I-295 and MD 175. Refer to the Appendix 2 (Operations Overlay) to Annex C (Operations).

D. Enemy Forces. Change to read: See Special Event Assessment (SEA).

E. Friendly Forces.

(1) Higher Headquarters Mission. NLT 8 JUN 11 MDW Commander publishes a support OPLAN to ensure all assets and resources are available and synchronized to allow for the unhindered transfer and Article 32 hearing of the accused for an upcoming high-profile trial.

(2) Higher Headquarters Intent.

(a) Purpose. To direct early planning for, and ensure coordinated and synchronized support of, all aspects of an upcoming high-profile Article 32 hearing.

(b) Key Tasks. Critical to success is the MDW's CDR's production of an OPLAN which includes all pre-coordinated support from Headquarters Department of the Army (HQDA) and is validated by the HQDA G 3/5/7.

(c) End State. All supported and supporting agencies have a verified and common understanding of, and are poised to execute the mission in accordance with, the MDW OPLAN.

(d) Mission of Adjacent Unit. Army Staff (ARSTAF) provides support with Trial Support Task Force, Lead by the G-3/5/7, specifically for the purpose of providing staff support to the MDW CDR. Supporting DA Organizations include Army Cyber Command, HQDA 3/5/7, Chief of Legislative Liaison (OCLL), Chief of Public Affairs (OCPA), Office of the Judge Advocate General (OTJAG), Provost Marshal General (OPMG), Army Budget Office (ABO), 11th Wing Security Forces, and IMCOM.

F. Interagency, Intergovernmental, and Nongovernmental Organizations. Interagency partners include HCCF, Howard County Police Department (HCPD), Prince George's County Police Department, (PGPD), Anne Arundel County Police Department (AACOPD) and Maryland State Police (MSP).

G. Civil Considerations. If the case reaches his level, MDW Commander is the General Court Martial Convening Authority (GCMCA). This OPLAN comprise MDW and DA support for the Article 32 and potential follow-on activities (if any), including interagency coordination, Public Affairs, courtroom security, and accused confinement, transportation and security. This OPLAN does not cover Article 32 or trial (if any) legal proceedings, which is the responsibility of the Office of the Staff Judge Advocate (SJA).

H. Assumptions.

(1) Change to read: An Article 32 will be conducted in this case no earlier than 01 Oct 2011.

(2) The case will remain with the MDW.

(3) Delete (no longer an assumption): The Article 32 and trial (if any) will be conducted at FGGM, MD.

(4) The FGGM courtroom and media operations center will be upgraded and sufficient funds and security measures put in place to conduct the Article 32 and trial, if any.

(5) Contract with HCCF will be finalized before the start of the Article 32.

2. Mission. Change to read: On order (o/o), the U.S. Army Military District of Washington supports the Article 32 hearing by conducting transport and security of the accused between Ft Leavenworth, KS and Ft Meade, MD (FGGM) to ensure secure transfer of the accused.

O/O, conducts temporary hold of accused at Howard County Corrections Facility (HCCF) to ensure security of the accused.

O/O, conducts transfer of the accused between HCCF and FGGM; provides courtroom support, including physical security, and conducts public affairs operations at FGGM, to ensure secure transfer and hearing of accused.

Be prepared to conduct follow-on transportation, security and courtroom proceedings.

3. Execution.

A. Commander's Intent.

(1) Purpose. Conduct and support Article 32 hearing, motions, and trials, if any.

(2) Key Tasks.

(a) Safely and securely transport and maintain custody of the accused.

(b) Provide physical security and support to the Article 32 proceedings, hearing, motions, and trials, if any.

(c) Conduct public affairs operations and media support at motions, hearings and trials, if any.

(3) End State. Article 32 completed and accused transferred to JRCF; forces returned safely to home station.

B. Concept of Operations. This operation is conducted in 5 phases.

(1) Change to read: Phase I. Coordination and Planning (May 2011 – Sep 2011)

(a) Began 11 May 2011 with receipt of HQDA EXORD 206-11.

(b) Briefing to MDW CDR on 23 May 2011.

(c) Briefing to HQ DA 3/5/7 on 25 May 2011.

(d) Change to read: Bi-weekly Operations Planning Group (OPG) teleconferences starting 01 Jun 2011.

(e) Determine and resource support requirements for Article 32 hearing for the prosecution and defense.

1. Funding equipment, supplies and travel.

2. Personnel.

3. Office space.

(2) Change to read: Phase II. Transfer of accused for the Article 32 Hearing (Sep 2011).

(a) Transfer of accused by fixed wing aircraft from Joint Regional Confinement Facility (JRCF) to Joint Base Andrews (JBA).

(b) Transfer of accused by ground transport from JBA to Howard County Corrections Facility (HCCF).

(3) Change to read: Phase III. Conduct Article 32 Hearing (Sep - Oct 2011).

(a) Presence of the Accused is required for the entire Article 32 Hearing and as required by the defense.

(b) Daily transfer of accused between HCCF and FGGM, MD Courtroom.

(c) Physical and information security of FGGM courtroom.

(d) Conduct active public affairs and media support.

(e) Establish courtroom support, Entry Control Point (ECPs) and security facilities.

(4) Phase IV: Transfer of accused (Date TBD).

(a) Transfer of accused by ground transport from HCCF to JBA.

(b) Transfer of accused by fixed wing aircraft from JBA to JRCF.

(c) For the Article 32 (if any), hearing (if any), trial (if any) and motions hearings (if any).

(5) Phase V: Branch Plans (Dates TBD)

(a) Based on Article 32 outcome, MDW executes branch plans for motions hearings (if any) and trial (if any).

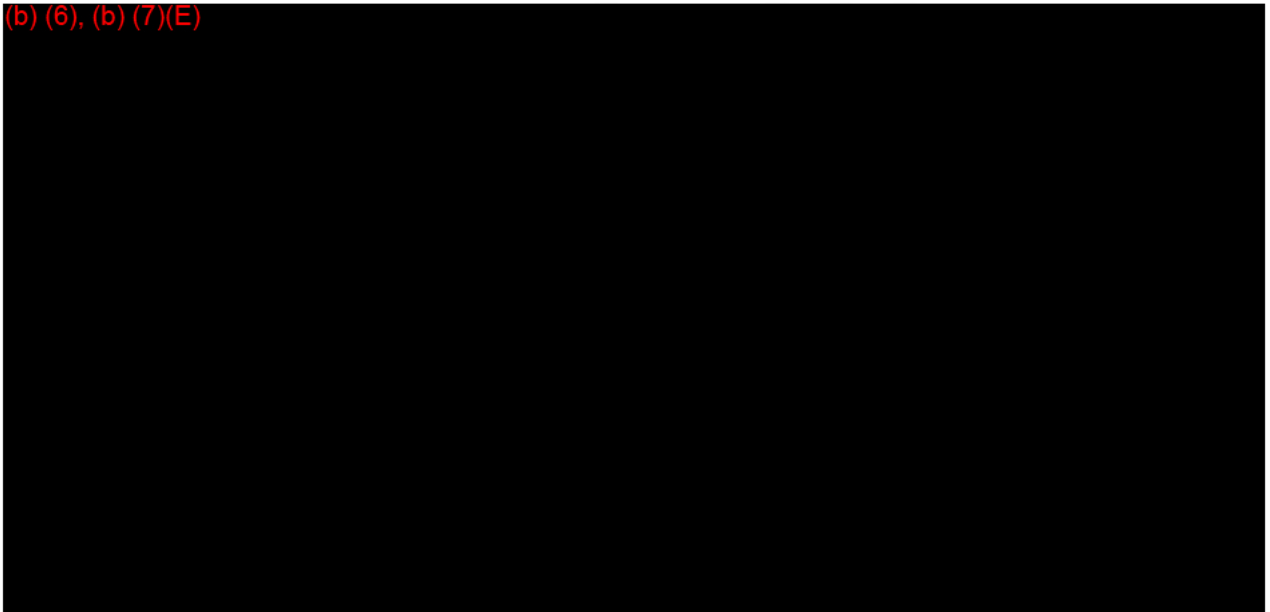
(b) Course of Action one (1): Case is referred to trial (if any). Accused is transferred to the National Capital Region (NCR) for motions hearings (if any) and trial (if any).

(c) Course of Action two (2): The case is not referred to trial or the case ends before trial; the accused is transferred back to his unit to return to duty.

C. Tasks to Subordinate Units

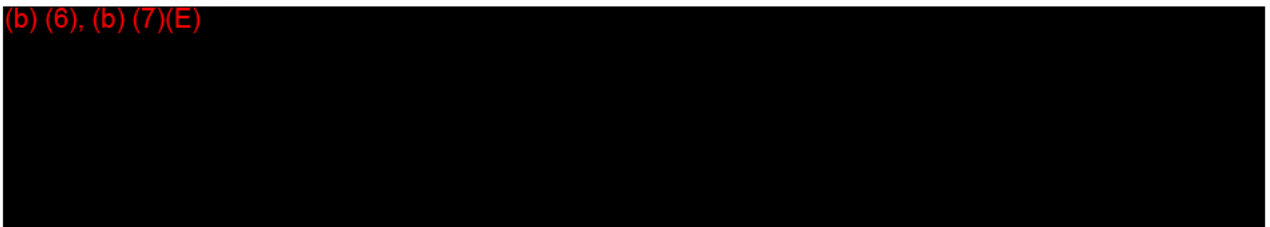
(1) 3d IN REG

(b) (6), (b) (7)(E)



(2) AAOG.

(b) (6), (b) (7)(E)



(3) 241st MP Detachment/Directorate of Emergency Services.

(a) Change to read: O/o conduct installation access control and courtroom security operations in support of Article 32 hearing, motions, and if necessary trial.

(b) Change to read: O/o conducts courtroom security operations in support of Article 32 hearing motions, and if necessary trial.

(b) (6), (b) (7)(E)

(f) Develop Route Signing, Traffic Control and Access Control plan(s) ISO of Article 32 hearing, motions, and if necessary trial.

D. Tasks to Staff.

(1) J/G3 (Operations).

(a) Staffs lead for coordination.

(b) Provide operational and decision support products as required.

(2) J/G4 Sustainment.

(a) Coordinate with FGGM Department of Public Works (DPW) for courtroom support facilities and setup.

(b) Coordinate with SJA and G8 for funding to support courtroom facilities.

(c) Provide adequate and secure office space for prosecution and defense teams.

1. Change to read: Coordinate with SJA on trailer requirements. Contract and provide six (6) trailers total; two (2) witness trailers with cable television's and appropriate furnishing, two (2) Legal teams trailers (1 each for prosecution and defense) and two (2) latrine trailers. Coordinate all other appropriate furnishings for all trailers with SJA Point of Contact (POC) W01 Jairo Parra at (b) (6) Responsible to ensure trailers are emplaced and operational NLT 01 Oct 2011.

2. Change to read: Contract and provide two tents total; one (1) tent serves as press tent and spectator holding area with climate control accessibility, one (1) tent covers entire walkways for pedestrian traffic in contained area. Responsible to ensure tents are emplaced and operational NLT 01 Oct 2011.

3. Provide contract support for hearing site infrastructure, including security fencing (non-visible from outside), barriers if required from MDW PMO, Direct Liaison Authorized (DIRLAUTH) upon receipt of this OPLAN.

4. Change to read: If required, coordinate or contract for walkways or matting to protect grass areas from high foot traffic.

5. In coordination with IMCOM) / Northeast Regional Office (NERO) and FGGM motor pool, request support of bus designated to drop off and pick up visitors at parking lot to and from the courtroom area for the duration of the Article 32 (if any), hearing (if any), trial (if any) and motions hearings (if any).

(3) J/G6 Signal [Cyber Domain].

(a) Ensure all communications are available, operable and defensible for all authorized users for duration of mission, listed throughout this OPLAN.

(b) Coordinate with CYBERCOMMAND to ensure secure computer and radio networks.

(c) Coordinate with FGGM to develop a secure information network within the courtroom and courtroom support facilities.

(d) ICW MDW J/G4 vet all technical support requests per regulations and instructions for final approval. DIRLAUTH with the MDW G4 upon receipt of this OPLAN.

(4) Change to read: Provost Marshal and Protection Directorate (PM/PD).

(b) (7)(E)



(5) Staff Judge Advocate (SJA)

(a) Responsible for all legal aspects and conducts of the Article 32 hearing, motions, and trials, if any.

(b) Coordinate for renovations to the FGGM Courtroom; provide input on courtroom support facilities. DIRLAUTH with J/G4 POC upon receipt of this OPLAN.

(c) Change to read: ICW AAOG, Prosecution team and Defense team may use military air as necessary for travel.

(6) Public Affairs Office (PAO)

(a) Conduct Public Affairs and media relations.

(b) Coordinate with J/G8 and J/G4 for renovations to the FGGM media operations center.

(c) ICW SJA, establish a means to accommodate media coverage to include courtroom pool reporting and a separate media center near the courtroom.

(7) J/G1 Human Resources/Safety Office

(a) ICW HQDA safety office and FGGM safety office, plan, coordinate and execute risk assessment of all aspects of this operation. See Annex I for detailed safety / risk assessment instructions. Provide J/G33 a safety risk assessment no later than (NLT) 15 June 2011.

(b) Conduct observation of operations July 2011 to ensure they are conducted in a safe manner.

(c) Human resources division ICW MDW J/G8 verifies MDW civilian employee participation and statuses for accountability and proper payment distribution.

(8) J/G8 – Resource Management

(a) Provide staff assistance to MDW organizations and staff in developing and coordinating Military Interdepartmental Purchase Request (MIPR) in support of the event.

(b) Provide resource support as requested for the execution of the event operations and to source funds for reimbursement as requested for non forecasted funds.

(c) ICW MDW J/G1, provide guidance for civilian employee overtime planning NLT 15 June 2011.

E. Coordinating Instructions

(1) OPLAN is effective upon receipt. DIRLAUTH is authorized with HQDA counter-parts for MDW supporting staff sections.

(2) All MDW Staff sections provide cost estimates and support requests to MDW G33 NLT 14 June 2011. MDW G33 consolidates and provides cost estimates and support requests to DA G3/5/7 NLT 15 June 2011.

(3) HQDA will fund all costs of this operation, including pick-up and return costs. MDW staff will capture and report to the MDW G33 (G1) personnel on the ground any significant/unforeseen costs ISO this operation to be supplemented by HQDA.

(4) HQDA interagencies coordinate directly with MDW mission providers to ensure supporting commanders are aware of applicable changes (if any) and knowledge ability to meet assigned tasks. In instances where supporting commanders are unable to resolve issues arising from proposed change. MDW mission supporters will submit an unfunded change request (UFR) change request via a request for forces, equipment or services through MDW G8 to HQDA G 3/5/7 and to be returned to MDW J/G8 to requestor for resolution.

(5) MDW staff and subordinate units record all costs associated with mission.

(6) MDW staff is responsible for all local travel during mission.

F. Timeline

- 01 Sep (0900-1000) Teleconference (G33 Conf Room, Ft McNair, DC)
- 08 Sep (0900-1000) Teleconference (G33 Conf Room, Ft McNair, DC)
- 15 Sep (0900-1000) Teleconference (G33 Conf Room, Ft McNair, DC)
- 22 Sep (0900-1000) Teleconference (G33 Conf Room, Ft McNair, DC)
- 29 Sep (0900-1000) Teleconference (G33 Conf Room, Ft McNair, DC)
- 06 Oct (0900-1000) Teleconference (G33 Conf Room, Ft McNair, DC)
- 13 Oct (0900-1000) Teleconference (G33 Conf Room, Ft McNair, DC)
- 20 Oct (0900-1000) Teleconference (G33 Conf Room, Ft McNair, DC)
- TBD (Est Oct 11) Transfer of Accused to NCR from FLKS
- TBD (Est Oct 11) Article 32 hearing begins (Ft Meade Courtroom)
- TBD (Est Oct 11) Transfer of Accused from NCR to FLKS

4. Sustainment

A. IMCOM (JBM-HH DES) is requested to provide O/O:

(b) (7)(E)

B. IMCOM (FGGM DES) is requested to:

(b) (7)(C)

C. Change to read: IMCOM (FGGM Directorate of Plans, Training, Mobilization and Security (DPTMS) is requested to:

(b) (7)(E)

(2) Designate a gate for media check in and security sweeps. Does not have to be exclusive to media check-in.

(3) Provide to MDW PAO, one (1) facility to operate as the Media Operations Center (MOC). Provide primary and alternate locations. Facility to meet the following requirements:

(a) Able to support up to 70 media personnel and up to 14 PAO personnel.

(b) Two (2) separate offices/rooms, one (1) for media and one (1) for PAO.

(c) Male and female restrooms; break area with snack machines

(d) One hundred twenty (120) parking spaces

(e) Use of the building for a two (2) week set-up and one (1) week clean-up. Exclusive use of the entire building for the duration of the Article 32 (estimated at three (3) weeks).

(f) Cleaning crew

(4) Designate primary and alternate locations on Fort Meade to operate as a Satellite Truck Parking Area. Must meet the following requirements:

(a) May be independent of the MOC location, does not have to be co-located.

(b) Must be at least 20 parking spaces in size.

(c) Close proximity to a gate TCP in order to avoid having to escort the satellite trucks around base.

(d) Must not be in the vicinity of sensitive facilities.

(e) Close to restroom facilities.

(5) Provide computer IT support (personnel and equipment) to prosecution and defense teams at courthouse and outside support structures.

(6) Provide Courtroom for use by MDW SJA. Coordinate with MDW SJA and MDW G4 for funding for required renovations.

(b) (7)(E)

E. O/o, Headquarters and Headquarters Company (HHC), U.S. Army Garrison (USAG), JMB-HH is requested to provide.

(b) (7)(E)



5. Command and Control

A. Command

(1) Garrison Commander, JBM-HH is the supported Commander for the Article 32 hearing. MDW becomes the supported command if the Article 32 hearing continues to court martial.

B. Control

(b) (7)(E)



ACKNOWLEDGE

LINNINGTON
MG

OFFICIAL:
SHIELDS
J/G3

ANNEXES:
Annex C (Operations)
Appendix 14 (Law and Order Operations)
Annex F (Public Affairs)
Annex K (Communications)
Appendix 1 (POC Roster)

HQ, U.S. Army Military District of Washington (MDW)
Fort McNair, DC 20319-5058
24 June 2011

**MILITARY DISTRICT OF WASHINGTON (MDW) OPERATIONS PLAN (OPLAN) 11-30
OPERATION BRAVO (U)**

(U) References:

- a. Department of the Army (DA) Executive Order (EXORD) 206-11 in support of (ISO) TRIAL SUPPORT TASK FORCE, DTG 111950Q MAY 11.
- b. Army Regulation 10-87, dated 4 September 2007, Major Army Commands, Army Service Component Commands, and Direct Reporting Units.
- c. US Army Military District of Washington (MDW) Regulation 525-8, dated June 1994, MDW Tasking Authority.
- d. Posse Comitatus Act, Title 18, U.S. Code, Sec. 1385.
- e. Military District of Washington Tasking Directive for Daily Installation Force Protection and Law Enforcement Support to JBM-HH, Ft. Belvoir and Ft. Meade; dated 07 APR 2010.
- f. Uniform Code of Military Justice (UCMJ); Manual for Courts-Martial (2008).
- g. AR 360-1, dated 15 Sep 2000, Army Public Affairs Program.

(U) Time Zone Used Throughout This Order: Romeo (07 November 2010 – 13 March 2011) and Quebec (13 March 2011 – 06 November 2011).

(U) Task Organization:

United States (U.S.) Army Military District of Washington (MDW)

3rd U.S. Infantry Regiment (3d IN REG)

289th Military Police (MP) Company

Elements, 241st MP Detachment, Fort Meade (FGGM)

Army Air Operations Group (AAOG)

U.S. Army Priority Air Transport (USAPAT)

U.S. Army Garrison, Joint Base Myer – Henderson Hall (JBM-HH) (TACON) in coordination with (ICW) Installation Management Command (IMCOM)

U.S. Army Garrison, Fort Meade (FGGM) (TACON) ICW IMCOM

1. (U) Situation. The U.S. Army Military District of Washington will plan and conduct operations in support of the unhindered transfer, Article 32 hearing (if any), trial (if any) and motion hearing (if any) of the accused for an upcoming high-profile trial proceeding.

A. **(U) Background.** As of this OPLAN publishing date, the date for the start of the Article 32 hearing is not determined.

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MILITARY DISTRICT OF WASHINGTON OPLAN 11-30 OPERATION BRAVO

B. (U) Area of Interest. Washington DC, Prince George's, Anne Arundel and Howard Counties, MD; Fort Leavenworth, KS (FLKS) and Highways I-495, I-295 and MD 175. Refer to Annex B (Intelligence) as required.

C. (U) Area of Operations. Joint Regional Corrections Facility (JRCF) Fort Leavenworth, KS (FLKS); Joint Base Andrews, MD (JBA); Fort Meade, MD (FGGM); Howard County Corrections Facility, MD (HCCF); Highways I-495, I-295 and MD 175. Refer to the Appendix 2 (Operations Overlay) to Annex C (Operations).

D. (U) Enemy Forces. ICW force protection division and J/G32, Special Event Assessment (SEA) will be released NLT 15 Jun 11.

E. (U) Friendly Forces.

(1) (U) Higher Headquarters Mission. NLT 8 JUN 11 MDW Commander publishes a support OPLAN to ensure all assets and resources are available and synchronized to allow for the unhindered transfer and Article 32 hearing of the accused for an upcoming high-profile trial.

(2) (U) Higher Headquarters Intent.

(a) (U) Purpose. To direct early planning for, and ensure coordinated and synchronized support of, all aspects of an upcoming high-profile Article 32 hearing.

(b) (U) Key Tasks. Critical to success is the MDW's CDR's production of an OPLAN which includes all pre-coordinated support from Headquarters Department of the Army (HQDA) and is validated by the HQDA G 3/5/7.

(c) (U) End State. All supported and supporting agencies have a verified and common understanding of, and are poised to execute the mission in accordance with, the MDW OPLAN.

(d) (U) Mission of Adjacent Unit. Army Staff (ARSTAF) provides support with Trial Support Task Force, Lead by the G-3/5/7, specifically for the purpose of providing staff support to the MDW CDR. Supporting DA Organizations include Army Cyber Command, HQDA 3/5/7, Chief of Legislative Liaison (OCLL), Chief of Public Affairs (OCPA), Judge Advocate General (OJAG), Provost Marshal General (OPMG), Army Budget Office (ABO), 11th Wing Security Forces, and IMCOM.

F. (U) Interagency, Intergovernmental, and Nongovernmental Organizations. Interagency partners include HCCF, Howard County Police Department (HCPD), Prince George's County Police Department, (PGPD), Anne Arundel County Police Department (AACOPD) and Maryland State Police (MSP).

G. (U) Civil Considerations. If the case reaches his level, MDW Commander is the General Court Martial Convening Authority (GCMCA). This OPLAN comprise MDW and DA support for the Article 32 and potential follow-on activities (if any), including interagency coordination, Public Affairs, courtroom security, and accused confinement, transportation and security. This OPLAN does not cover Article 32 or trial (if any) legal proceedings, which is the responsibility of the Office of the Staff Judge Advocate (SJA).

H. (U) Assumptions.

(1) An Article 32 will be conducted in this case on or about July 2011.

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MILITARY DISTRICT OF WASHINGTON OPLAN 11-30 OPERATION BRAVO

(2) The case will remain with the MDW.

(3) The Article 32 and trial (if any) will be conducted at FGGM, MD.

(4) The FGGM courtroom and media operations center will be upgraded and sufficient funds and security measures put in place to conduct the Article 32 and trial, if any.

(5) Contract with HCCF will be finalized before the start of the Article 32.

2. (U) Mission. On order (o/o), the U.S. Army Military District of Washington supports the Article 32 hearing by conducting transport and security; courtroom support, including physical security; and public affairs operations at Fort George G. Meade, MD., for safe and secure transfer and hearing of accused. Be prepared to (BPT) conduct follow-on transportation, security and courtroom proceedings.

3. (U) Execution.

A. (U) Commander's Intent.

(1) (U) Purpose. Conduct Article 32 hearing, motions, and trials, if any.

(2) (U) Key Tasks.

(a) BPT safely and securely transport and maintain custody of the accused.

(b) BPT provide physical security and support to the Article 32 proceedings, hearing, motions, and trials, if any.

(c) Conduct public affairs operations and media support at motions, hearings and trials, if any.

(3) (U) End State. Article 32 completed and accused transferred to JRCF; forces returned safely to home station.

B. (U) Concept of Operations. This operation is conducted in 5 phases.

(1) (U) Phase I. Coordination and Planning (May 2011 - June 2011)

(a) Began 11 May 2011 with receipt of HQDA EXORD 206-11.

(b) Briefing to MDW CDR on 23 May 2011.

(c) Briefing to HQ DA 3/5/7 on 25 May 2011.

(d) Weekly Operations Planning Group (OPG) teleconferences starting 01 Jun 2011.

(e) Determine and resource support requirements for Article 32 hearing for the prosecution and defense.

1. Funding equipment, supplies and travel.

2. Personnel.

3. Office space.

(2) (U) Phase II. Transfer of accused for the Article 32 Hearing (July 2011).

(a) Transfer of accused by fixed wing aircraft from Joint Regional Confinement Facility (JRCF) to Joint Base Andrews (JBA).

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MILITARY DISTRICT OF WASHINGTON OPLAN 11-30 OPERATION BRAVO

(b) Transfer of accused by ground transport from JBA to Howard County Corrections Facility (HCCF).

(3) (U) Phase III. Conduct Article 32 Hearing (July - August 2011).

(a) Presence of the Accused is required for the entire Article 32 Hearing and as required by the defense.

(b) Daily transfer of accused between HCCF and FGGM, MD Courtroom.

(c) Physical and information security of FGGM courtroom.

(d) Conduct active public affairs and media support.

(e) Establish courtroom support, Entry Control Point (ECPs) and security facilities.

(4) (U) Phase IV: Transfer of accused (Date TBD).

(a) Transfer of accused by ground transport from HCCF to JBA.

(b) Transfer of accused by fixed wing aircraft from JBA to JRCF.

(c) For the Article 32 (if any), hearing (if any), trial (if any) and motions hearings (if any).

(5) (U) Phase V: Branch Plans (Dates TBD)

(a) Based on Article 32 outcome, MDW executes branch plans for motions hearings (if any) and trial (if any).

(b) Course of Action one (1): Case is referred to trial (if any). Accused is transferred to the National Capital Region (NCR) for motions hearings (if any) and trial (if any).

(c) Course of Action two (2): The case is not referred to trial or the case ends before trial; the accused is transferred back to his unit to return to duty.

C. (U) Tasks to Subordinate Units

(1) 3d IN REG

(b) (7)(E)



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MILITARY DISTRICT OF WASHINGTON OPLAN 11-30 OPERATION BRAVO

(b) (7)(E)

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(2) AAOG.

(b) (7)(E)

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(3) 241st MP Detachment.

(b) (7)(E)

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D. (U) Tasks to Staff.

(1) J/G3 (Operations).

(a) Staffs lead for coordination.

(b) Provide operational and decision support products as required.

(2) J/G4 Sustainment.

(a) Coordinate with FGGM Department of Public Works (DPW) for courtroom support facilities and setup.

(b) Coordinate with SJA and G8 for funding to support courtroom facilities.

(c) Provide adequate and secure office space for prosecution and defense teams.

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MILITARY DISTRICT OF WASHINGTON OPLAN 11-30 OPERATION BRAVO

1. Coordinate with SJA on trailer requirements. Contract and provide six (6) trailers total; two (2) witness trailers with cable television's and appropriate furnishing, two (2) Legal teams trailers (1 each for prosecution and defense) and two (2) Latrine trailers with own power supply. Coordinate all other appropriate furnishings for all trailers with SJA Point of Contact (POC) W01 Jairo Parra at (b) (6)

2. Contract and provide two tents total; one (1) tent serves as press tent and spectator holding area with climate control accessibility, one (1) tent covers entire walkways for pedestrian traffic in contained area.

3. Provide contract support for hearing site infrastructure, including security fencing (non-visible from outside), barriers if required from MDW PMO, Direct Liaison Authorized (DIRLAUTH) upon receipt of this OPLAN.

4. Coordinate for walkways or matting to protect grass areas from high foot traffic.

5. In coordination with IMCOM) / Northeast Regional Office (NERO) and FGGM motor pool, request support of bus designated to drop off and pick up visitors at parking lot to and from the courtroom area for the duration of the Article 32 (if any), hearing (if any), trial (if any) and motions hearings (if any).

(3) J/G6 Signal [Cyber Domain].

(a) Ensure all communications are available, operable and defensible for all authorized users for duration of mission, listed throughout this OPLAN.

(b) Coordinate with CYBERCOMMAND to ensure secure computer and radio networks.

(c) Coordinate with FGGM to develop a secure information network within the courtroom and courtroom support facilities.

(d) ICW MDW J/G4 vet all technical support requests per regulations and instructions for final approval. DIRLAUTH with the MDW G4 upon receipt of this OPLAN.

(4) Provost Marshal Office (PMO).

(b) (7)(E)



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MILITARY DISTRICT OF WASHINGTON OPLAN 11-30 OPERATION BRAVO

(b) (7)(E)



(5) Staff Judge Advocate (SJA)

(a) Responsible for all legal aspects and conducts of the Article 32 hearing, motions, and trials, if any.

(b) Coordinate for renovations to the FGGM Courtroom; provide input on courtroom support facilities. DIRLAUTH with J/G4 POC upon receipt of this OPLAN.

(c) ICW AAOG, prosecution team and Defense team will use military to air as necessary for travel.

(6) Public Affairs Office (PAO)

(a) Conduct Public Affairs and media relations.

(b) Coordinate with J/G8 and J/G4 for renovations to the FGGM media operations center.

(c) ICW SJA, establish a means to accommodate media coverage to include courtroom pool reporting and a separate media center near the courtroom.

(7) J/G1 Human Resources/Safety Office

(a) ICW HQDA safety office and FGGM safety office, plan, coordinate and execute risk assessment of all aspects of this operation. See Annex I for detailed safety / risk assessment instructions. Provide J/G33 a safety risk assessment no later than (NLT) 15 July 2011.

(b) Conduct observation of operations July 2011 to ensure they are conducted in a safe manner.

(c) Human resources division ICW MDW J/G8 verifies MDW civilian employee participation and statuses for accountability and proper payment distribution.

(8) J/G8 – Resource Management

(a) Provide staff assistance to MDW organizations and staff in developing and coordinating Military Interdepartmental Purchase Request (MIPR) in support of the event.

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MILITARY DISTRICT OF WASHINGTON OPLAN 11-30 OPERATION BRAVO

(b) Provide resource support as requested for the execution of the event operations and to source funds for reimbursement as requested for non forecasted funds.

(c) ICW MDW J/G1, provide guidance for civilian employee overtime planning NLT 15 July 2011.

E. (U) Coordinating Instructions

(1) OPLAN is effective upon receipt. DIRLAUTH is authorized with HQDA counter-parts for MDW supporting staff sections.

(2) All MDW Staff sections provide cost estimates and support requests to MDW G33 NLT 29 June 2011. MDW G33 consolidates and provides cost estimates and support requests to DA G3/5/7 NLT 30 June 2011.

(3) HQDA will fund all costs of this operation, including pick-up and return costs. MDW staff will capture and report to the MDW G33 (G1) personnel on the ground any significant/unforeseen costs ISO this operation to be supplemented by HQDA.

(4) HQDA inter-agencies coordinate directly with MDW mission providers to ensure supporting commanders are aware of applicable changes (if any) and knowledge ability to meet assigned tasks. In instances where supporting commanders are unable to resolve issues arising from proposed change. MDW mission supporters will submit an unfunded change request (UFR) change request via a request for forces, equipment or services through MDW G8 to HQDA G 3/5/7 and to be returned to MDW J/G8 to requestor for resolution.

(5) MDW staff and subordinate units record all costs associated with mission.

(6) MDW staff is responsible for all local travel during mission.

F. (U) Timeline

- 30 June (0900-1000) Teleconference (G33 Conf Room, Ft McNair, DC)
- 07 July (0900-1000) Teleconference (G33 Conf Room, Ft McNair, DC)
- 14 July (0900-1000) Teleconference (G33 Conf Room, Ft McNair, DC)
- 21 July (0900 1000) Teleconference (G33 Conf Room, Ft McNair, DC)
- 28 July (0900-1000) Teleconference (G33 Conf Room, Ft McNair, DC)
- 04 Aug (0900-1000) Teleconference (G33 Conf Room, Ft McNair, DC)
- 11 Aug (0900-1000) Teleconference (G33 Conf Room, Ft McNair, DC)
- 14 Aug 11 (estimated) Transfer of Accused from FLKS to NCR
- 15 Aug 11 (estimated) Article 32 hearing begins (Ft Meade Courtroom)
- 04 Aug (0900-1000) Teleconference (G33 Conf Room, Ft McNair, DC)
- 11 Aug (0900 1000) Teleconference (G33 Conf Room, Ft McNair, DC)
- TBD (Est Aug Sep 11) Transfer of Accused from NCR to FLKS

4. (U) Sustainment

A. IMCOM (JBM HH DES) is requested O/o to provide:

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B. IMCOM (FGGM DES) is requested to:

(b) (7)(E)

C. IMCOM (FGGM Directorate of Plans, Training, mobilization and security (DPTMS) is requested to coordinate helicopter LZ location on Ft. Meade.

D. Installation Support Command (INSCOM) is requested to provide seven (7) personnel for ECP to verify security clearances and issue security badges.

E. O/o, Headquarters and Headquarters Company (HHC), U.S. Army Garrison (USAG), JMB-HH is requested to provide.

(b) (7)(E)

F. IMCOM (FGGM DPW) is requested to provide parking spaces of on-base parking in the park lot vicinity Cooper Avenue, Bundy Road, Griffin Avenue and Williams Road for spectators, visitors and bus drop and pick-up point.

5. (U) Command and Control**A. (U) Command**

(1) Garrison Commander, JBM-HH is the supported Commander for the Article 32 hearing. MDW becomes the supported command if the Article 32 hearing continues to court martial.

B. (U) Control

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MILITARY DISTRICT OF WASHINGTON OPLAN 11-30 OPERATION BRAVO

(b) (7)(E)



(7) See Annex K for additional POCs.

ACKNOWLEDGE

LINNINGTON
MG

OFFICIAL:
LOCKWOOD
J/G3

ANNEXES:
Annex C (Operations)
Appendix 14 (Law and Order Operations)
Annex F (Public Affairs)
Annex K (Communications)
Appendix 1 (POC Roster)

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Subject: HQDA EXORD 206 11 ISO TRIAL SUPPORT TASK FORCE

Originator: OPS AND CONTINGENCY PLANS G3 DAMO ODO(MC)

DTG: 111950Z May 11

Precedence: PRIORITY

DAC: General

To: CDR MDW FT MCNAIR DC(SC)

cc: DIR OPS READINESS AND MOB G3 DAMO OD(MC), OPS AND CONTINGENCY PLANS G3
DAMO ODO(MC), OPMG - CORRECTIONS AND INTERNMENT BRANCH (MC), OPMG LAW
ENFORCEMENT BRANCH (MC), OPMG - OPERATIONS BRANCH (MC), OPMG - OPERATIONS
DIVISION (MC), INTERNATIONAL AND OPERATIONAL LAW(SC), AVIATION TASK
FORCE(SC), INSPECTOR GENERAL(SC), OPERATIONS DIVISION(SC), ARMY AUDITOR
GENERAL(SC), ARCYBER CDR(SC)

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MSGID/ORDER/HQDA//

TIMEZONE/Z//

NARR(U). THIS IS A HQDA EXORD FOR TRIAL SUPPORT TASK FORCE.// 1. (FOUO)
SITUATION. THE COMMANDER, MILITARY DISTRICT OF WASHINGTON (MDW), IS THE
CONVENING AUTHORITY FOR AN UPCOMING HIGH-PROFILE TRIAL. THE MDW COMMANDER,
AS THE SUPPORTED COMMANDER, WILL PLAN AND CONDUCT OPERATIONS IN SUPPORT OF
THE TRANSFER AND TRIAL OF THE DEFENDANT. THE ARSTAF HAS ESTABLISHED A TRIAL
SUPPORT TASK FORCE, LED BY THE HQDA G-3/5/7 (DAMO-OD), SPECIFICALLY FOR THE
PURPOSE OF PROVIDING STAFF SUPPORT TO THE MDW COMMANDER.

2. (FOUO) MISSION. NLT 1 JUN 11 COMMANDER, MDW, PUBLISHES A TRIAL SUPPORT
OPLAN TO ENSURE ALL ASSETS AND RESOURCES ARE AVAILABLE AND SYNCHRONIZED TO
ALLOW FOR THE UNHINDERED TRANSFER AND TRIAL OF THE DEFENDANT FOR AN UPCOMING
HIGH PROFILE TRIAL.

3. (FOUO) EXECUTION.

3.A. COMMANDER'S INTENT.

PURPOSE. THE PURPOSE IS TO DIRECT EARLY PLANNING FOR, AND ENSURE COORDINATED
AND SYNCHRONIZED SUPPORT OF, ALL ASPECTS OF AN UPCOMING HIGH-PROFILE TRIAL.

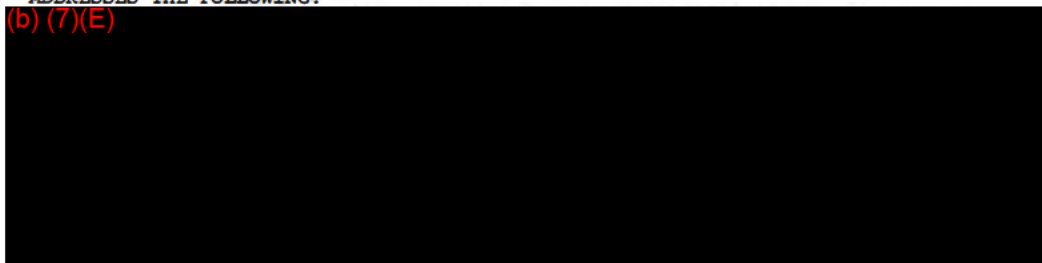
KEY TASKS. CRITICAL TO SUCCESS IS THE COMMANDER, MDW'S PRODUCTION OF AN
OPLAN THAT INCLUDES ALL PRE COORDINATED SUPPORT FROM HQDA AND IS VALIDATED BY
THE HQDA G-3/5/7.

END STATE. END STATE IS ACHIEVED WHEN ALL SUPPORTED AND SUPPORTING AGENCIES
HAVE A VERIFIED AND COMMON UNDERSTANDING OF, AND ARE POISED TO EXECUTE THE
MISSION IN ACCORDANCE WITH, THE MDW OPLAN.

3.B. TASKS TO COMMANDER, MDW.

3.B.1. PUBLISH TRIAL SUPPORT OPLAN NLT 1 JUN 11. ENSURE THIS OPLAN
ADDRESSES THE FOLLOWING:

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3.B.1.D. PUBLIC AFFAIRS AND MEDIA CONSIDERATIONS.

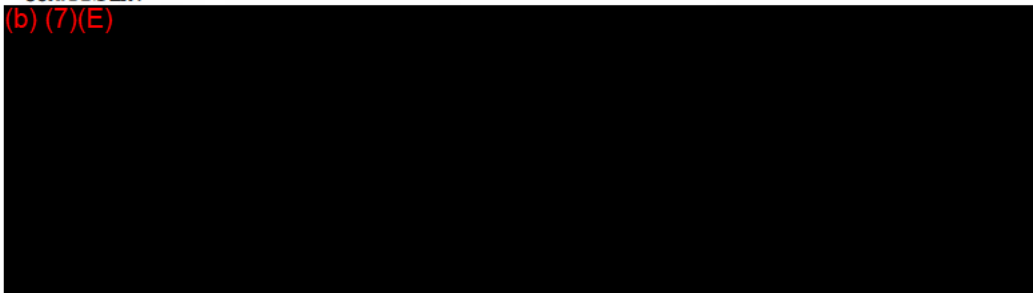
3.B.1.E. RISK ASSESSMENT OF ALL ASPECTS OF THE OPERATION.

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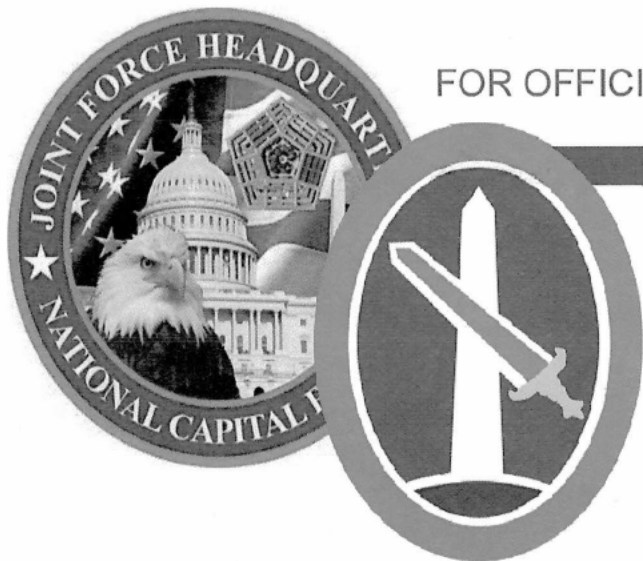
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- 3.B.1.F. COST ESTIMATE OF ALL ASPECTS OF THE OPERATION.
- 3.B.2. BRIEF THE HQDA G 3/5/7 ON THE OPLAN NLT 1 JUN 11.
- 3.B.3. COORDINATE DIRECTLY WITH THE HQDA G-3/5/7 FOR ALL REQUIRED SUPPORT FROM THE ARSTAF AND ARCYBER. DA G-3/5/7 WILL BE THE PRIMARY POC, BUT DIRLAUTH IS AUTHORIZED WITH INDIVIDUAL STAFF (SEC)TIONS AS NECESSARY TO SYNCHRONIZE SUPPORT AND ACTIONS.
- 3.C. COORDINATING INSTRUCTIONS.
- 3.C.1. THE FOLLOWING AGENCIES AND MEMBERS OF THE ARSTAF WILL PROVIDE A DEDICATED REPRESENTATIVE TO THE TRIAL SUPPORT TASK FORCE, LED BY THE DA G 3/5/7 (DAMO OD): CHIEF OF LEGISLATIVE LIAISON; CHIEF OF PUBLIC AFFAIRS; DEPUTY CHIEF OF STAFF, G 3/5/7 (DAMO AV); THE JUDGE ADVOCATE GENERAL; PROVOST MARSHAL GENERAL, U.S. ARMY CYBER COMMAND, AND THE ARMY BUDGET OFFICE.
- 3.C.2. MEMBERS OF THE TRIAL SUPPORT TASK FORCE WILL COORDINATE WITH THE COMMANDER, MDW, AND APPROPRIATE SUBORDINATE MDW STAFF (SEC)TIONS IN ORDER TO ENSURE ALL ASPECTS OF THE OPERATION ARE ANTICIPATED AND SYNCHRONIZED IN THE MDW OPLAN.
- 3.C.3. DIRLAUTH AUTHORIZED TO DETERMINE DETAILED MISSION REQUIREMENTS.
4. SUSTAINMENT. ALL COST ASSESSMENTS WILL BE PROVIDED TO THE ARMY BUDGET OFFICE FOR ANALYSIS AND EXECUTION.
5. (U) COMMAND AND SIGNAL.
- 5.A. COMMANDER, MDW, IS THE SUPPORTED COMMANDER.
- 5.B. DA G 3/5/7 (DAMO-OD) IS THE LEAD AGENCY FOR HQDA SUPPORT TO THE COMMANDER.

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Military District of Washington

In Progress Review (Operation Bravo)

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Operation Bravo missions are sensitive in nature. Do not under any circumstance discuss with any person(s), agency etc. that does not have “direct” impact, or on a “need to know” basis. Doing so can and may result in administrative or punitive action.

If you have any questions, concerns or need to report suspicious activity (i.e. social engineering/suspicious phone calls, probing etc.) contact your chain of command

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Background

- **Who:** Military District of Washington (MDW)
- **What:** Publishes OPLAN for Article 32 hearing (COL Coffman, JBM-HH Commander) including accused transfer and holding; and prepares for potential trial
- **When:** Article 32 hearing estimated for September 2011, follow on events TBD
- **Where:** Accused currently being held at Midwest Joint Regional Correctional Facility (JRCF) at Fort Leavenworth, KS. Article 32 hearing location is Fort George G. Meade (FGGM), MD (courtroom); accused temporary hold will be Howard County Corrections Facility (HCCF)
- **Why:** Ensure safe and secure transport of accused during Article 32 hearing from JRCF to FGGM and return



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Mission

On order, the U.S. Army Military District of Washington will conduct transport, security, temporary hold, courtroom operations and public affairs support from Joint Regional Correctional Facility, Fort Leavenworth KS to Fort George G. Meade, MD and ensure successful transfer and Article 32 hearing.

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Purpose. Conduct Article 32 hearing, and if necessary temporary hold of the accused.

Key Tasks.

- Safely and securely transport and temporary hold of the accused to/from JRCF.
- Provide security and support to the courtroom proceedings at FGGM.
- Conduct public affairs operations and media support to MDW.

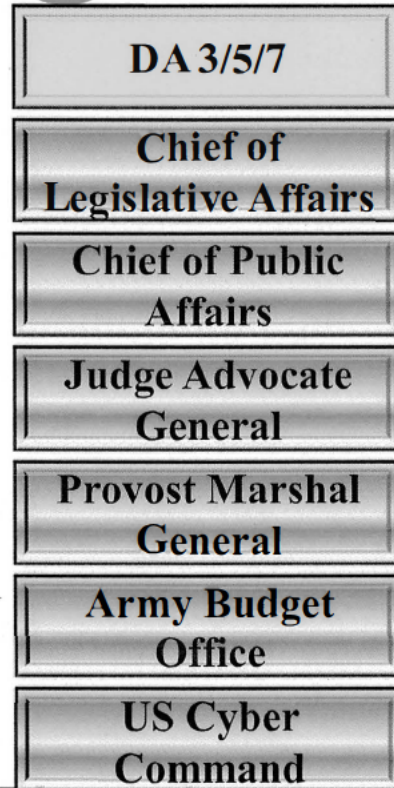
End State. Successful transfer, Article 32 hearing and return to JRCF.



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MDW Task Organization

DA Partners



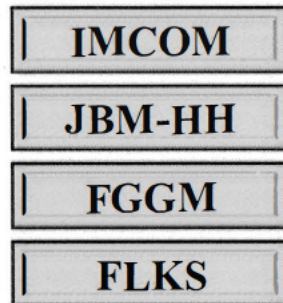
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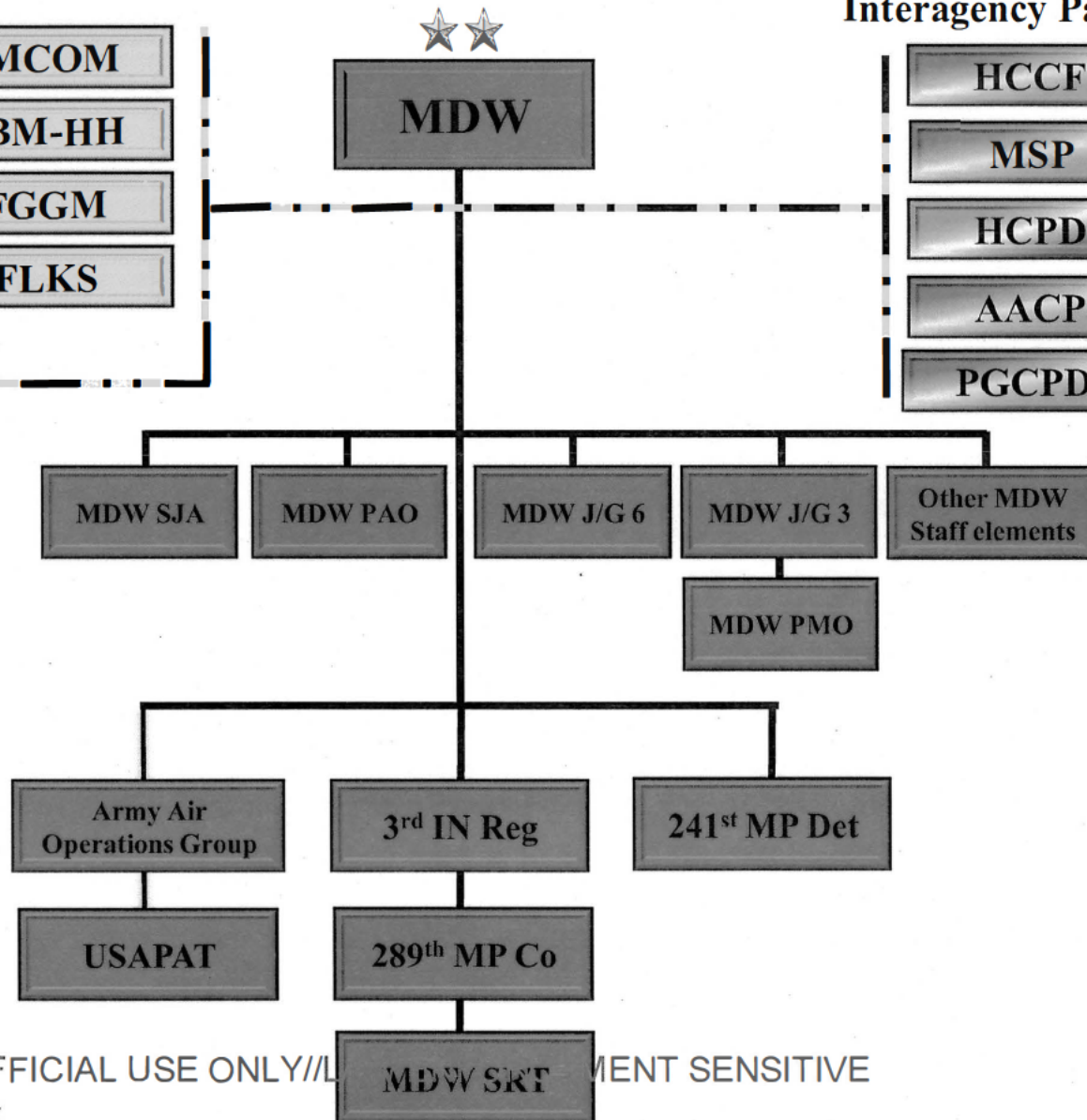
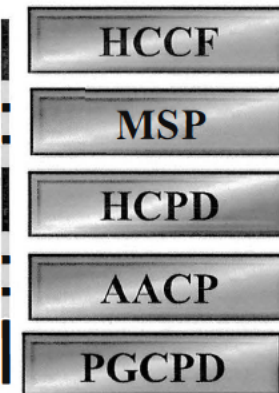
OPCON

TACON

COORDINATION



Interagency Partners



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Concept of Operation

Five Phase Operation

- Phase I: Coordination and Planning (MAY 2011 – AUG 2011)
 - MDW Staff OPG on MAY 2011
 - Received DA EXORD 206-11 on 11 May 2011
 - Briefing to MDW CG on 23 MAY 2011 (MG Horst/MG Linnington)
 - Briefing to HQ DA 3/5/7 on 25 May 2011 (MG Anderson)
 - Weekly OPG teleconferences starting JUN 2011 with MDW, HQDA, FGGM
 - Initial IPR to FGGM (JUN 2011)
- Phase II: Transfer of accused (SEP 2011)
 - Transfer of accused by fixed wing aircraft from Ft Leavenworth to Joint Base Andrews
 - Transfer of accused by ground transport from JBA to Howard County Corrections Facility (HCCF)
- Phase III: Article 32 Hearing (SEP 2011 - UTC)
 - Transport of accused by ground transportation to/from HCCF to FGGM courtroom
 - Conduct Article 32 Hearing



Concept of Operation

- Phase IV: Transfer of accused (Date TBD)
 - Transfer of accused by ground transport from Howard County Corrections Facility (HCCF) to JBA
 - Transfer of accused by fixed wing aircraft from Joint Base Andrews to Ft Leavenworth
- Phase V: Potential follow on motions (TBD)
 - Based on Article 32 outcome, MDW executes branch plans for motions hearings (if any) and trial (if any)
 - Phase Va Case is referred to trial (if any). Accused is transferred to the NCR for motions hearings (if any) and trial (if any).
 - Phase Vb The case is not referred to trial or the case ends before trial; the accused is transferred back to his unit to return to duty.



MDW Unit Tasks

- 3rd IN Reg conducts courtroom security setup/takedown and magnetometer operations at FGGM
- 289th MP Co conducts security operations at FGGM courtroom and theater
- MDW SRT conducts air and ground escort operations throughout JOA
- 241st MP Det conducts installation law enforcement, traffic control and security operations at FGGM courtroom & theatre
- AAOG BPT conduct rotary wing aerial transfer of accused



IMCOM and HHC Support

- **IMCOM (JBM-HH DES)** is requested to provide:

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- **IMCOM (Ft Meade DES)** is requested to:

- Be prepared to conduct LZ security on Ft Meade.
- Be prepared to provide support to mitigate scheduled/unscheduled protests
- Coordinate with local and state LE for external civil disturbance support.

- **IMCOM (Ft Meade DPTMS)** is requested to coordinate LZ location on Ft. Meade.

- **HHC, US Army Garrison**, on order, is requested to provide:

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MDW PMO Key Tasks

- Coordinate air and ground escort, to include safety, security, and temporary housing of the Accused
- On order, conduct transfer of Accused by fixed wing military aircraft between FLKS and JBA. Conduct transfer of Accused by ground between JBA and HCCF
- On order, conduct transfer of Accused between HCCF and FGGM
- Develop and staff Security Plans for FGGM Courtroom and Theatre
- Develop contingency/crisis action plans (immediate action drills) to mitigate special threats and eliminate deadly behavior
- Coordinate civil state and local law enforcement agency support throughout JOA
- Coordinate 11th Wing Security Forces at JBA for law enforcement and security operations on JBA
- Coordinate support with 3rd US Inf/289th MP Co, 241st MP, JBM-HH DES and FGGM DES
- Advise and update MDW Command Staff and MDW Provost Marshal Accordingly



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MDW PMO Tasker

<u>Taskers/Key Events</u>	<u>Action</u>	<u>STATUS</u>
Coordinate with 11 th Security Wing	Completed	
Coordinate with Maryland State Police	Completed	
Coordinate with Ann Arundel County Police	Completed	
Coordinate with Howard County Police	Completed	
Coordinate with Howard County Correctional Facility	Completed	
Develop, Staff and Complete Statement of Work with Howard County Correctional Facility	Contracting Office	
LE/Security Contingency Response TTX with Key Leaders	Being Developed	
FGGM Courtroom Security Plan	Completed	
FGGM Theatre Security Plan	In Progress	
SRT Immediate Action Drills, UoF and ROE Guidance	Completed	
3 rd US Infantry and 289 th MP Co. Support to FGGM (Courtroom, Theatre Operations)	In Progress	
K-9 and MDW SRT Support to FGGM	Completed	

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MDW PMO Escort Routes (Ground)

Joint Base Andrews Navel Air Facility to Ft Meade MD

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Joint Base Andrews Navel Air Facility to Howard County Correctional Facility MD

(b) (6)

Howard County Correctional Facility to Ft. Meade MD

(b) (6)

Note:

Final destination is dependant upon coordinated schedule/itinerary between MDW SJA (i.e. flight from JRCF to JBA-NAF will end at HCCF, or FGGM Courtroom then HCCF).

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(b) (6)



As of 8-15-11
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Courtroom
ACP

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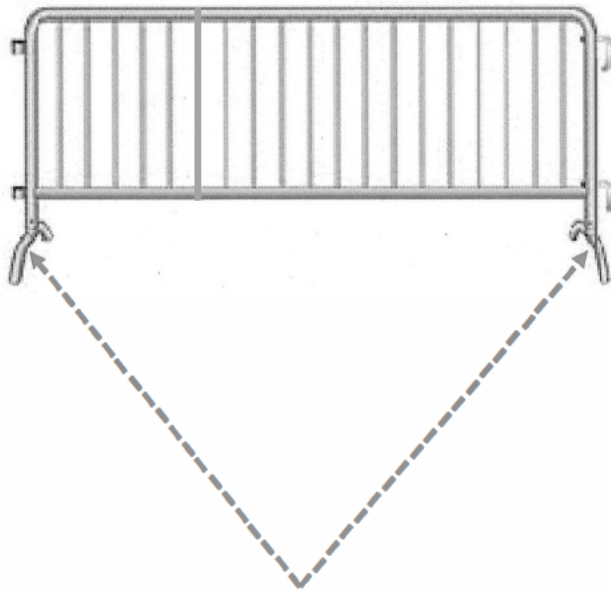


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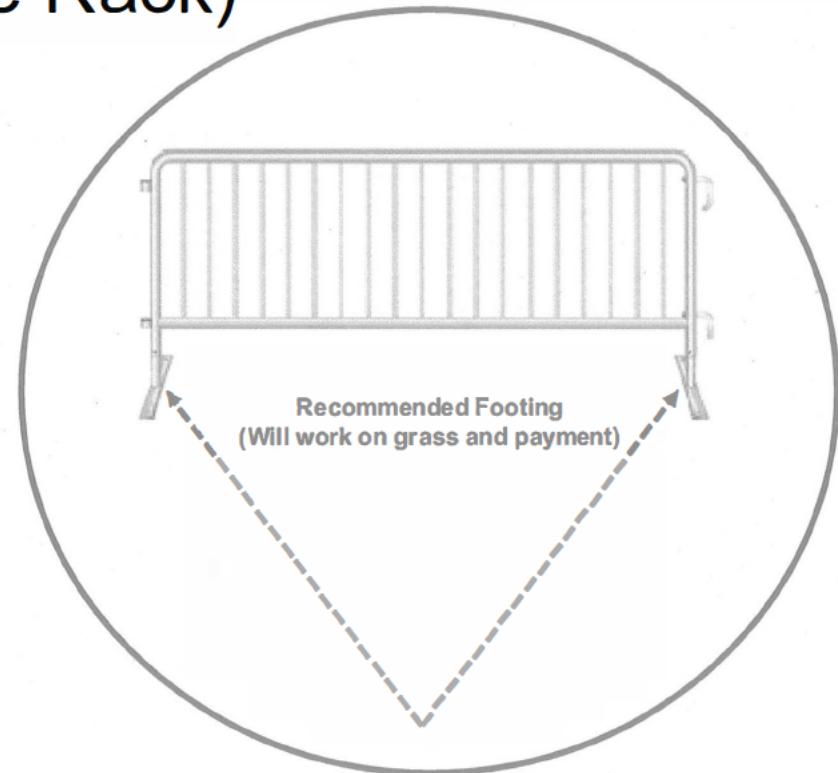
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Portable Crowded Control

(Bicycle Rack)



Length: 8'4" L x 43"
Wt: 43lbs
Base: Bridge Tube
Footings



Length: 8'4" L x 43"
Wt: 43lbs
Base: Flat Steel
Footings

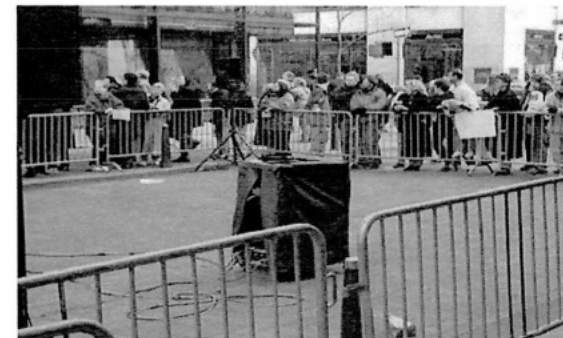
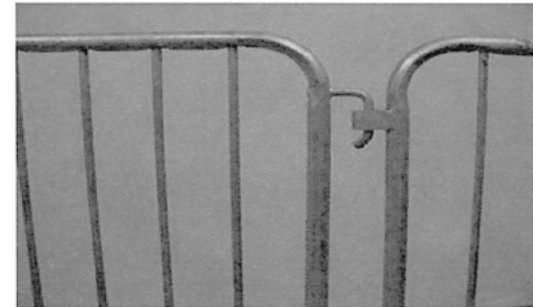
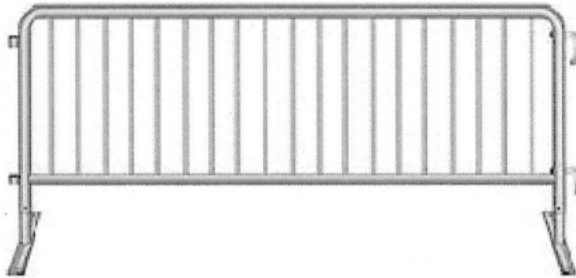
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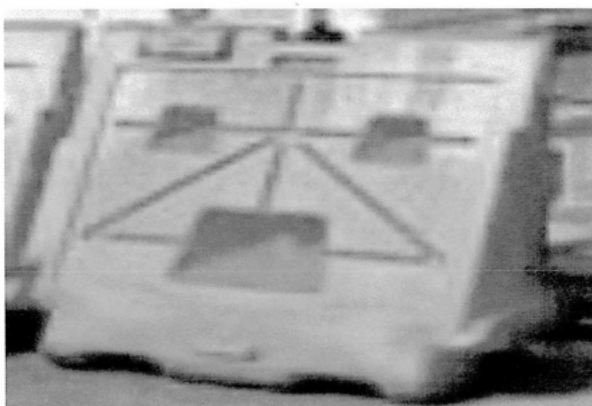
Portable Crowd Control

(Bicycle Rack)





Portable Crowd Control (Jersey Barriers/Watercade)



Length: 45" L x 42" H x 23.5"
W
Wt: 44lbs
Base: Multi-Purpose





General

- The current PA posture is PASSIVE.
- All media interviews will be considered by MDW Public Affairs on a case-by-case basis and coordinated with the Office of the Chief of Public Affairs, U. S. Army.

Mission. The public affairs mission for this Article 32 Hearing is to provide unfettered access to the media to proceedings and have a subject matter expert available to answer procedural questions.

Contingency Statement. The U.S. Army is committed to ensuring all Soldiers live up to the Army Values regardless of the environment or circumstance. The Army is granted the authority by Congress under the Uniform Code of Military Justice to maintain the good order and discipline of its members.



Concept of Operations.

MDW Public Affairs is the sole source of written and spoken information regarding the proceedings/convening authority/information inside courtroom.

OCPA is responsible for providing policy and doctrinal guidance on case/Army stance/related topics/Soldier.

FGGM Public Affairs is responsible for logistics support only.



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Questions, Concerns or Comments...

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From: (b) (6)
Sent: Wednesday, November 16, 2011 2:42 PM
To: (b) (6)
Cc: Matthew kemkes (b) (6); Morrow III, JoDean, CPT USA
JFHQ-NCR/MDW SJA (b) (6); Haberland, John CPT
MIL USA (b) (6); Overgaard, Angel M. CPT USA JFHQ-
NCR/MDW SJA (b) (6); Fein, Ashden CPT USA
JFHQ-NCR/MDW SJA (b) (6); Paul Bouchard
(b) (6); Joshua Tooman (b) (6);
Melissa Santiago (b) (6)
Subject: [Suspected SPAM] RE: US v. PFC BM (Art 32 Restart & Delay)

Sir,

On Monday, I had a conversation with CPT Fein and LTC Almanza. We discussed the possible dates for the restart of the Article 32, and the need for time for the Government to execute OPLAN Bravo. Later that day, I sent an email to CPT Fein requesting, in anticipation of your order to restart the Article 32, that the Government begin its preparations so that you could order a restart on 12 December 2011. Based upon the Government's request today, it appears that nothing has been done between Monday and today. Additionally, the Government has failed to provide you with any justification for the arbitrary 30-day requirement in order to complete its OPLAN Bravo.

The Defense requests that you order the restart to occur on 12 December 2011. This will provide the government with 27 days to execute its OPLAN Bravo. By ordering the restart on 12 December 2011, you will provide us with enough time to complete the hearing prior to the holiday period. This would avoid any issues with obtaining needed witnesses or unnecessarily requiring some witnesses to cancel their previously scheduled holiday plans.

Additionally, the Defense objects to the Government's request that you determine that the time period between today and the actual restart date should be excludable delay under R.C.M. 707(c). This time period should instead count against the Government for speedy trial purposes under Article 10 of the Uniform Code of Military Justice.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282

(b) (6)

www.armycourtartialdefense.com

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

16 NOV 11

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Excludable Delay - United States v. PFC Bradley Manning

1. On 16 October 2011, the prosecution submitted a request to exclude the period between the date of this memorandum and 16 December 2011 as excludable delay under RCM 707(c). The reasons for the request were for the prosecution to obtain the final classification review from an Original Classification Authority and to provide the command adequate time to execute OPLAN BRAVO. *See* Enclosure 1. On 16 November 2011, the defense objected to the government's proposed start date and proposed the Article 32 start on 12 December 2011. Additionally, the defense maintained its previous position that any additional delay should not be excluded under Rule for Courts-Martial (RCM) 707(c). *See* Enclosure 2. I reviewed both the prosecution's request and its enclosures and the defense's response.

2. This request is:

(b) approved. The Article 32 Investigation will restart no earlier than 16 December 2011. The period between 22 April 2011 and 16 December 2011 is excludable delay under RCM 707(c).

() approved, in part. The Article 32 Investigation will restart no earlier than 12 December 2011. The period between 22 April 2011 and 12 December 2011 is excludable delay under RCM 707(c).

() disapproved. The Article 32 Investigation will restart no earlier than 12 December 2011.

() disapproved. The Article 32 Investigation will restart within thirty days of this memorandum.

2 Encls

1. Prosecution Request, 16 Nov 11

2. Defense Response, 16 Nov 11

CARL R. COFFMAN, JR.
COL, AV
Commanding

DISTRIBUTION:

1-Article 32 IO

1-Trial Counsel

1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

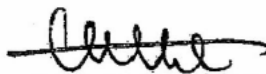
3 JAN 2012

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – United States v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 16 November 2011 up to and including 15 December 2011 is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The period of excludable delay is reasonable based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - d. Government Request for Delay of Article 32 Investigation, dated 10 November 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed), and the renewed request for speedy trial, dated 25 July 2011 (enclosed).

Encls
as


CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (w/encls)
1-Trial Counsel
1-Defense Counsel



DEPARTMENT OF THE ARMY
 UNITED STATES ARMY TRIAL DEFENSE SERVICE
 4217 Roberts Avenue, Suite 5030
 FORT GEORGE MEADE, MARYLAND 20755



REPLY TO
 ATTENTION OF:

IMND-MEA-DEF

28 November 2011

MEMORANDUM THRU Staff Judge Advocate, Office of the Staff Judge Advocate, U.S. Army
 Military District of Washington, Fort Lesley J. McNair, Washington, D.C. 20319

FOR Commander, U.S. Army Military District of Washington, Fort Lesley J. McNair, Washington,
 D.C. 20319

SUBJECT: Request for computer software for necessary computer forensics work, matter of *United States v PFC Bradley Manning*.

I. Eric Lakes and Trent Struttman are defense expert assistants in the area of computer forensics in the matter of *United States v. PFC Bradley Manning*. As members of the Defense team, Mr. Lakes and Mr. Struttman request the following computer software to properly conduct their necessary computer forensics work:

- a. Chrome Analysis Plus;
- b. Internet Evidence Finder.

2. Justification. There is an immediate legitimate justification for these software products.

- a. Chrome Analysis Plus is necessary because:

1. Using Chrome Analysis Plus would bring about significant time savings to Mr. Lakes and Mr. Struttman and thereby save the Government great expense. By using Chrome Analysis Plus, Mr. Lakes and Mr. Struttman wouldn't need to individually figure out search terms necessary to recover Chrome artifacts i.e. by using Chrome Analysis, the search terms would automatically be there and figured out. Mr. Lakes and Mr. Struttman estimate, conservatively, that using Chrome Analysis would save one-third of their time searching for Chrome artifacts. Importantly, Mr. Lakes and Mr. Struttman charge \$175.00 per hour (\$350.00 per hour for the two of them) for their services.

2. The Chrome Analysis license key is for a single use; it is licensed for one computer. As a one-time cost and one-time use, Chrome Analysis is unique to the *US v. Manning* case – Mr. Lakes and Mr. Struttman would not be able to use Chrome Analysis on their other cases.

3. The accused, PFC Manning, allegedly used a Chrome browser at some point, and Chrome Analysis Plus is the best and most efficient software to properly do computer forensics involving a Chrome browser.

4. Chrome Analysis costs roughly \$75.00, and is readily available for purchase.

SUBJECT: Request for computer hardware and software, matter of United States v. PFC Bradley Manning.

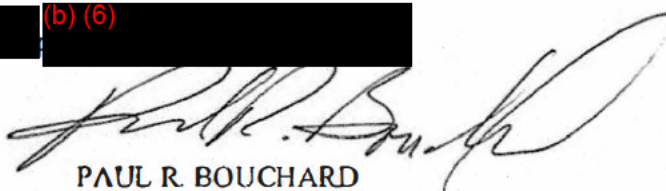
b. Internet Evidence Finder is necessary because:

1. Like Chrome Analysis, it would enable Mr. Lakes and Mr. Struttman to retrieve certain artifacts quickly and efficiently thereby saving the Government money. Without Internet Evidence Finder, Mr. Lakes and Mr. Struttman would have to design certain search terms – a time-consuming and therefore expensive task. Mr. Lakes and Mr. Struttman conservatively estimate that using Internet Evidence Finder would save them 25-to-40 percent of their time.
2. It is used to recover chat messages regardless of the platform used. Whether Facebook or Yahoo chat messages or MySpace was allegedly used, Internet Evidence Finder can retrieve such chats. The case of *United States v. PFC Bradley Manning* involves many alleged chats.
3. Though Internet Evidence Finder does not have a single-use license key – i.e. it is not individually licensed for one machine, the Defense would be willing to borrow the Government Internet Evidence Finder dongles from USACIL (United States Army Criminal Investigative Lab) and return such dongles after the completion of the Defense's computer forensic work.

3. Though Chrome Analysis and Internet Evidence Finder are not absolutely necessary for the Defense's Computer Forensics Team – Mr. Lakes and Mr. Struttman could perform their forensic work without these software products – it is without question that these software tools would clearly bring about significant efficiency gains, time savings, and cost benefits to not only the Defense but also to the Government. Having the computer forensics work done more efficiently and at lower costs is in the Government's interests. Moreover, both software products are readily available. Simply put, the clear justification for these software products trumps the fact that it is possible for Mr. Lakes and Mr. Struttman to do the work without Chrome Analysis Plus and Internet Evidence Finder. Indeed, time savings are important to the Defense, and efficiency and cost savings are a legitimate Government interest.

4. For the reasons outlined in this request, the Defense respectfully requests the software products Chrome Analysis Plus and Internet Evidence Finder.

5. POC is the undersigned at (b) (6) (b) (6)



PAUL R. BOUCHARD
CPT, JA
Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORTMYER, VIRGINIA 22211-1199

IMND-MHH-ZA

2 DEC 2011

MEMORANDUM FOR CPT Paul Bouchard, Defense Counsel

SUBJECT: Defense Request for Computer Software - United States v. PFC Bradley Manning

1. I reviewed the enclosed request for computer software to assist your computer forensic expert consultants in the above-named case. You assert that there is an "immediate legitimate justification" for the listed software products and by authorizing their purchase your experts would save a significant amount of time and save this command "great expense."

2. Based on your assertion that these purchases will "bring about significant time savings" for your experts consultants to conduct their forensic analysis, your request is:

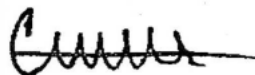
(☒) approved. I authorize no more than \$1,000.00 for the purchase of the below requested equipment and software:

- a. Chrome Analysis Plus.
- b. Internet Evidence Finder.

(☐) disapproved. You are free to renew your request with me, and similarly, if I forward this case, you may renew your request with the GCMCA.

2 Encls

- 1. Defense Request, 28 Nov 11
- 2. Internet Evidence Finder Quote


CARL R. COFFMAN, JR.
COL, AV
Commanding



REPLY TO
ATTENTION OF

IMND-MEA-DEF

DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRIAL DEFENSE SERVICE
4217 Roberts Avenue, Suite 5030
FORT GEORGE MEADE, MARYLAND 20755



28 November 2011

MEMORANDUM THRU Staff Judge Advocate, Office of the Staff Judge Advocate, U.S. Army
Military District of Washington, Fort Lesley J. McNair, Washington, D.C. 20319

FOR Commander, U.S. Army Military District of Washington, Fort Lesley J. McNair, Washington,
D.C. 20319

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3. The accused, PFC Manning, allegedly used a Chrome browser at some point, and Chrome Analysis Plus is the best and most efficient software to properly do computer forensics involving a Chrome browser.

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SUBJECT: Request for computer hardware and software, matter of United States v. PFC Bradley Manning.

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2. It is used to recover chat messages regardless of the platform used. Whether Facebook or Yahoo chat messages or MySpace was allegedly used, Internet Evidence Finder can retrieve such chats. The case of *United States v. PFC Bradley Manning* involves many alleged chats.
3. Though Internet Evidence Finder does not have a single-use license key – i.e. it is not individually licensed for one machine, the Defense would be willing to borrow the Government Internet Evidence Finder dongles from USACIL (United States Army Criminal Investigative Lab) and return such dongles after the completion of the Defense's computer forensic work.

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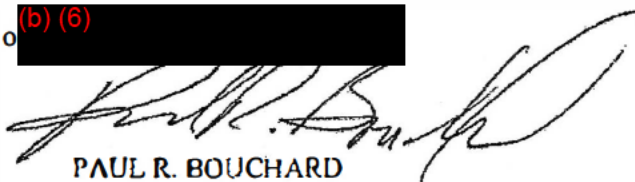
4. For the reasons outlined in this request, the Defense respectfully requests the software products Chrome Analysis Plus and Internet Evidence Finder.

5. POC is the undersigned

(b) (6)

o

(b) (6)



PAUL R. BOUCHARD
CPT, JA
Defense Counsel



QUOTE

November 30, 2011

Quote#11-4861

JADsoftware Inc.
 295 Hagey Blvd
 1st Floor, West Entrance
 Waterloo, Ontario N2L 6R5
 Canada

To:
 Arthur Ford
 US ARMY
 United States

(b) (6)

Qty	Item #	Description	Unit Price	Discount	Line Total
1	IEFv4 SE	Internet Evidence Finder Standard Edition (Includes 30 days of software maintenance & support)	\$799		\$799.00
1	LE15	Law Enforcement Discount on Licenses (15%)		\$119.85	
1	IEFv4-SMS (S)	Annual Software Maintenance & Support Per License (SMS) (Recommended)	\$199		\$199.00
1	LE15	Law Enforcement Discount on SMS (15%)		\$29.85	
			Total Discount	\$149.70	\$998.00

Please note:

To purchase online please go to www.jadsoftware.com/buynow and enter discount code 15LE at the final check out page

Quotes are valid for 30 days from quotation date

Subtotal	\$848.30
Sales Tax	
Shipping	\$25.00
Total (\$USD)	\$873.30

Thank you for your business!

Accepted Payment Methods include: Credit Card, PayPal, Wire Transfer, and Check

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, December 06, 2011 9:42 AM
To: (b) (6)
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Update)

Sir. Good morning. On 2 Dec 11, we received from an OGA the final classification review of our charged documents. We needed this document before we went forward with the Article 32 and now have it. There should be no impediments with us going forward. OPLAN BRAVO is currently underway. Please see the below summary on the OPLAN. I intend to forward you a copy of this update on a daily basis, so you can continue to track its progress.

Thank you.

v/r

Ashden

-----Original Message-----

From: (b)(1)(B)

Sent: Monday, December 05, 2011 7:52 PM

To: (b)(1)(B)

Cc: (b)(1)(B)

Subject: 5 DEC 11- SITREP OPLAN Bravo (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

Ladies and Gentlemen:

Please note the following updates to the execution of OPLAN Bravo.

1. Movement (PMO).

a. MILAIR. Request pending. Date selected, Time TBD; APOE/APOD set.

b. Ground. MDW escort has been identified and trained. Coordination with city/county/state/Federal law enforcement complete.

2. Confinement (PMO). Final coordination with local confinement facility complete. Established procedure for reception, daily transfer, living conditions (including Special Administrative Measures (SAMs)), health and welfare, protestors, and media plan.

3. Security (FGGM DES).

a. Threat Assessment. No Change.

b. Physical Security. No Change.

c. Information Security. JFHQ-NCR issued network contingency plan to increase situational awareness for FMMG and JBM-HH networks and provide network defense and remediation.

4. Infrastructure (FGGM DPW/SJA). No Change.

5. Travel (SJA). TDY billeting plan established. SJA has line of accounting available to create TDY authorizations in DTS.

6. Funding (J8/SJA). NSTR.

7. Legal Proceedings (SJA). IO has reported and linked up with legal advisor.

8. Media Plan (MDW PAO).

a. Media Support. Media roundtable will be scheduled 7 or 8 DEC at OCPA to establish ground rules for media and for attendance by general public, including time, place, manner restrictions on demonstrations. Defense Team published its request for witnesses, which has generated media inquiries. PAG anticipated the inquiries, and PAO has responded to those inquiries.

b. Media Engagement. Legal spokesman media training conducted at OCPA.

9. Rehearsals. ROC drill 8 0900 DEC 11 at FGGM. T: Establish battle rhythm and reporting. P: To facilitate command and control of OPLAN Bravo during operational phase.

10. Actions at higher. NSTR.

Please contact me or the OPR for detailed information.

Thank you.

v/r



(b)(1)(B)

(b)(1)(B)

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, December 06, 2011 11:32 AM
To: (b) (6)
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: FW: US v. PFC BM (Discovery)
Attachments: iso burning in windows.pdf

Sir. FYSA. Discovery continues as we prepare for the Article 32.

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, December 06, 2011 11:32 AM
To: (b) (6)
Cc: Matthew kemkes; 'Tooman, Joshua J CPT MIL US USA TRADOC';
(b) (6); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA
JFHQ-NCR/MDW SJA; 'Melissa Santiago'
Subject: US v. PFC BM (Discovery)

David,

On 5 Dec 11, we sent you (tracking # 7010 1060 0001 1274 4057) unclassified discovery (BATES: 00408202-00409672). These documents contain additional pretrial confinement documents and other information).

Today, we sent you (tracking # 7010 1060 0001 1274 4064) unclassified discovery (BATES: 00409673-00409678). These documents contain ISOs (CD/DVD disc images) of IA and other related training. Attached to this email is the Microsoft Windows 7 "help" instructions on how to burn an ISO to a blank CD/DVD.

Today, Both items were delivered to CW2 Santiago (MAJ Kemkes is out of office until 12 Dec).

Additionally, the government purchased the software your experts requested and we are waiting for delivery.

v/r
Ashden

**U.S. ARMY MILITARY DISTRICT OF WASHINGTON
ADDITIONAL COURT-MARTIAL CHARGES TRANSMITTAL**

PART I

TO: CDR, U.S. Army Garrison,
JBM-HH

FROM: CDR, HQ CMD BN

DATE: 8 MAR 2011

1. Additional court-martial charges against the following named individual are forwarded as Enclosure 1. Witness statements, allied papers, any evidence of previous misconduct (to include properly certified DA Forms 2627), and the Accused's ERB are attached as Enclosure 2. This Soldier is not pending administrative separation UP AR 635-200.

NAME:
MANNING, Bradley E.

RANK:
PFC

SSN:
445-98-9504

ORGANIZATION:
Headquarters and Headquarters Company, U.S. Army Garrison, JBM-HH

2. All witnesses will remain within the National Capital Region (NCR) for the next 90 days except the following named individuals: _____ No other witnesses will be released without notifying the Trial Counsel.

3. I recommend:

☐ Summary Court-Martial ☐ Special Court-Martial ☐ BCD Special Court-Martial ☒ General Court-Martial

NAME OF COMMANDER:
LTC Cameron A. Leiker

SIGNATURE OF COMMANDER:



PART II

TO:
CDR, U.S. Army MDW

FROM:
CDR, U.S. Army Garrison, JBM-HH

DATE: 18 JAN 2012

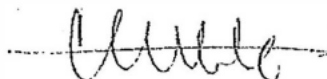
1. I reviewed the attached ^{additional} charges and allied papers, ^{including the Article 32 investigation} and conclude that each offense is supported by the evidence.

2. I (recommend) (~~direct~~):

☐ Summary Court-Martial ☐ Special Court-Martial ☐ BCD Special Court-Martial ☒ General Court-Martial

NAME OF COMMANDER:
COL Carl R. Coffman, Jr.

SIGNATURE OF COMMANDER:



TAB 11

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

**Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial**

Enclosure 78 (COL Coffman Emails)**23 October 2012**

Email Number	DATE	TIME
Unclassified_Email_COL_Coffman_0001	2-Aug-10	12:36:00
Unclassified_Email_COL_Coffman_0002	17-Sep-10	08:09:00
Unclassified_Email_COL_Coffman_0003	30-Sep-10	21:45:00
Unclassified_Email_COL_Coffman_0004	1-Oct-10	08:09:41
Unclassified_Email_COL_Coffman_0005	12-Oct-10	11:14:00
Unclassified_Email_COL_Coffman_0006	1-Nov-10	18:03:00
Unclassified_Email_COL_Coffman_0007	4-Nov-10	08:52:36
Unclassified_Email_COL_Coffman_0008	4-Nov-10	13:10:24
Unclassified_Email_COL_Coffman_0009	4-Nov-10	14:07:37
Unclassified_Email_COL_Coffman_0010	4-Nov-10	18:24:00
Unclassified_Email_COL_Coffman_0011	18-Jan-11	19:24:10
Unclassified_Email_COL_Coffman_0012	19-Jan-11	18:15:11
Unclassified_Email_COL_Coffman_0013	19-Jan-11	18:34:10
Unclassified_Email_COL_Coffman_0014	19-Jan-11	20:50:32
Unclassified_Email_COL_Coffman_0015	3-Feb-11	18:57:00
Unclassified_Email_COL_Coffman_0016	15-Feb-11	09:52:11
Unclassified_Email_COL_Coffman_0017	2-Mar-11	17:57:00
Unclassified_Email_COL_Coffman_0018	4-Mar-11	16:42:24
Unclassified_Email_COL_Coffman_0019	10-Mar-11	17:37:00
Unclassified_Email_COL_Coffman_0020	4-Apr-11	11:48:00
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Unclassified_Email_COL_Coffman_0022	25-Apr-11	08:56:00
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Unclassified_Email_COL_Coffman_0026	26-Apr-11	21:07:59
Unclassified_Email_COL_Coffman_0027	23-May-11	07:54:55
Unclassified_Email_COL_Coffman_0028	24-May-11	16:57:13
Unclassified_Email_COL_Coffman_0029	24-May-11	20:45:51
Unclassified_Email_COL_Coffman_0030	27-Jun-11	18:16:00
Unclassified_Email_COL_Coffman_0031	29-Jun-11	16:56:22
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Unclassified_Email_COL_Coffman_0033	25-Jul-11	09:54:00
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Unclassified_Email_COL_Coffman_0035	25-Jul-11	17:52:36

Unclassified_Email_COL_Coffman_0036	2-Aug-11	19:26:00
Unclassified_Email_COL_Coffman_0037	9-Aug-11	12:34:00
Unclassified_Email_COL_Coffman_0038	9-Aug-11	15:19:00
Unclassified_Email_COL_Coffman_0039	22-Aug-11	19:07:00
Unclassified_Email_COL_Coffman_0040	25-Aug-11	21:53:00
Unclassified_Email_COL_Coffman_0041	25-Aug-11	21:54:00
Unclassified_Email_COL_Coffman_0042	27-Aug-11	06:31:29
Unclassified_Email_COL_Coffman_0043	27-Aug-11	19:51:04
Unclassified_Email_COL_Coffman_0044	1-Sep-11	11:13:00
Unclassified_Email_COL_Coffman_0045	15-Sep-11	07:31:00
Unclassified_Email_COL_Coffman_0046	18-Sep-11	21:15:00
Unclassified_Email_COL_Coffman_0047	26-Sep-11	17:35:00
Unclassified_Email_COL_Coffman_0048	26-Sep-11	17:37:00
Unclassified_Email_COL_Coffman_0049	27-Sep-11	07:39:00
Unclassified_Email_COL_Coffman_0050	27-Sep-11	08:47:00
Unclassified_Email_COL_Coffman_0051	27-Sep-11	12:27:09
Unclassified_Email_COL_Coffman_0052	28-Sep-11	07:37:00
Unclassified_Email_COL_Coffman_0053	12-Oct-11	15:35:00
Unclassified_Email_COL_Coffman_0054	12-Oct-11	15:46:55
Unclassified_Email_COL_Coffman_0055	13-Oct-11	13:09:00
Unclassified_Email_COL_Coffman_0056	21-Oct-11	07:04:00
Unclassified_Email_COL_Coffman_0057	25-Oct-11	18:10:00
Unclassified_Email_COL_Coffman_0058	25-Oct-11	18:49:07
Unclassified_Email_COL_Coffman_0059	26-Oct-11	16:36:49
Unclassified_Email_COL_Coffman_0060	27-Oct-11	07:21:00
Unclassified_Email_COL_Coffman_0061	4-Nov-11	18:07:00
Unclassified_Email_COL_Coffman_0062	16-Nov-11	14:13:00
Unclassified_Email_COL_Coffman_0063	16-Nov-11	14:23:22
Unclassified_Email_COL_Coffman_0064	16-Nov-11	14:41:39
Unclassified_Email_COL_Coffman_0065	6-Dec-11	09:41:00
Unclassified_Email_COL_Coffman_0066	6-Dec-11	11:32:00
Unclassified_Email_COL_Coffman_0067	6-Dec-11	18:29:00

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, August 02, 2010 12:36 PM
To: (b) (6)
Cc: (b) (6); @us.army.mil; Robinson, Bruce H. CPT USA JFHQ-NCR/MDW SJA
Subject: Hot Issue (Manning)
Importance: High

Sir. Good afternoon. Now that PFC Manning is fully on board, we have some immediate issues to bring to you in the form of paperwork for signature. Are you available at the end of the day for me to send an intern (CPT Bruce Robinson) over to you to get a signature. If it's ok with you, I can discuss with you over the phone what it is that you will be presented and then you can decide what action you want to take. Unfortunately, our timeline is incredibly compressed as I will explain later. Thank you.

v/r

Ashden

Ashden Fein

CPT, JA

Chief, Military Justice

U.S. Army Military District of Washington (MDW)

(b) (6)



From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, September 17, 2010 8:09 AM
To: (b)(1)(B) @conus.army.mil; (b)(1)(B) @us.army.mil
Cc: Zimmerman, Sara J. SGT USA JFHQ- NCR/MDW SJA
Subject: FW: Requirement for Monitoring - PFC Manning

(b)(1)(B),

Thank you for your help yesterday. We will likely have another round today of document signing and a phone conversation.

Is COL Coffman open for a phone meeting with the Quantico Marine Garrison Commander (Col Daniel Choike) at 1530 on next Wed?

I spoke with COL Coffman yesterday about this meeting and he gave a green light to set it up for him. Thanks.

CPT Fein

Ashden Fein
CPT, JA
Chief, Military Justice
U.S. Army Military District of Washington (MDW)

(b) (6)



From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, September 30, 2010 9:46 PM
To: (b) (6)
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Zimmerman, Sara J. SGT USA
JFHQ- NCR/MDW SJA
Subject: PFC Manning

Sir. Good evening. On Monday or Tuesday, will you be available to have a brief phone conversation and for us to present some defense and government requests to you for the Manning case? I know you will be TDY next week. Based on the briefing, we will be able to document your decision (VOCO) and based on your direction, sign the documents "FOR" you. Thank you. Vr Ashden

Ashden Fein

CPT, JA

Chief, Military Justice

U.S. Army Military District of Washington (MDW)

(b) (6)



From: Coffman, Carl R COL MIL USA <(b) (6)>
Sent: Friday, October 1, 2010 8:08 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <(b) (6)>
Subject: RE: PFC Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

I will.

BB number is (b) (6)

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, October 12, 2010 11:14 AM
To: (b) (6)
Cc: (b) (6) @conus.army.mil; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA;
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Subject: Manning Docs

Sir. Good morning. Are you available for a 5 minute phone meeting later this afternoon for signing some documents for approval/disapproval? I can also give you an update on the "Summit" request. Thank you.

v/r

Ashden

Ashden Fein

CPT, JA

Chief, Military Justice

U.S. Army Military District of Washington (MDW)

(b) (6)



From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, November 01, 2010 6:03 PM
To: (b) (6)
Subject: manning

Sir. are you available tomorrow afternoon for a 3 minute update phone call and review some actions? Thanks. v/r Ashden

Ashden Fein

CPT, JA

Chief, Military Justice

U.S. Army Military District of Washington (MDW)

(b) (6)



From: Coffman, Carl R COL MIL USA (b) (6)
Sent: Thursday, November 4, 2010 8:53 AM
To: Brew, Marilyn D. COL USA JFHQ-NCR/MDW Dep Sur
(b) (6)
Cc: (b) (6) Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
(b) (6)
Subject: Forensic Psychiatrist Support (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

Dr. Brew,

PFC Manning (of Wikileaks fame) is in pre-trial confinement at the Quantico Brig. MG Horst is the GCMCA and has jurisdiction of the case. Manning is currently in a max security cell under POI (prevention of injury) watch and gets seen by a forensic psychiatrist twice a week. The Naval Clinic has done an outstanding job in providing the service to the soldier. The challenge is it is reducing the number of Marines and Sailors that can be serviced by the clinic because he is spending time with Manning. The second challenge is he is potentially going to deploy in the next several months. Manning will be in pre-trial confinement for an undetermined time as the investigation continues.

Bottom line is I need assistance in determining who can continue to provide services to Manning as the investigations and case continues to be processed. My opinion is it should be an Army Doc (Forensic Psychiatrist) that is not scheduled to deploy for up to a year. It would be a plus if he had a TS-SCI security clearance as well. The clearance is not that important initially but can be worked if determined to be a requirement. I have been advised that the request should go thru JTF Cap Med. I do not know where to start. Can you help me out.

The Commander of the Naval Clinic at Quantico (CAPT Mary Neill) is CCd. She can probably assist you in the medical specifics if required.

Thanks for the help.

Carl

Classification: UNCLASSIFIED

Caveats: FOUO

From: Brew, Marilyn D. COL USA JFHQ-NCR/MDW Dep Sur
(b) (6)
Sent: Thursday, November 4, 2010 1:10 PM
To: (b) (6)
Cc: (b) (6); Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
(b) (6)
Subject: Re: Forensic Psychiatrist Support (UNCLASSIFIED)

Got it. Will work with CAPT Neill to provide continuity of support.

Given that the current provider seeing the SM does not deploy for a few months, we should have time to execute appropriately.

CAPT Neill, pls provide your ph#.

One Team,

From: COFFMAN, CARL R COL MIL USA IMCOM (b) (6)
Sent: Thursday, November 4, 2010 2:08 PM
To: Brew, Marilyn D. COL USA JFHQ-NCR/MDW Dep Sur
(b) (6)
Cc: (b) (6) Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
(b) (6)
Subject: Re: Forensic Psychiatrist Support (UNCLASSIFIED)

Thanks for the help.

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, November 04, 2010 6:25 PM
To: (b) (6)
Cc: thanya.bandoh@conus.army.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Subject: Manning

Sir. Are you available tomorrow morning for a brief 2 minute phone conversation followed by an approval/disapproval memo? Thanks.

V/r

Ashden

Ashden Fein

CPT, JA

Chief, Military Justice

U.S. Army Military District of Washington (MDW)

(b) (6)



From: (b) (6)
Sent: Tuesday, January 18, 2011 7:23 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA (b) (6)
Subject: Re: US v. BM

Standing by.

Sent via BlackBerry by AT&T

From: (b) (6)
Sent: Wednesday, January 19, 2011 6:14 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA (b) (6)
Subject: Fw: letter from Amnesty International regarding PFC Bradley Manning
Attach: Scan001.PDF

Sent via BlackBerry by AT&T

From: (b) (6)
Date: Wed, 19 Jan 2011 14:49:35 +0000
To: (b) (6)
Subject: letter from Amnesty International regarding PFC Bradley Manning

Dear Colonel Coffman

Please find attached a copy of a letter from Amnesty International regarding the conditions of confinement of Bradley Manning, which includes a copy of a letter we have today sent by fax and mail to Secretary of Defense Gates. We are also sending the letters by mail.

Thank you for your kind attention to this matter.

(See attached file: Scan001.PDF)

Angela Wright
Americas Regional Program
Amnesty International
1 Easton Street
London WC1X 0DW, United Kingdom

(b) (6)

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Working to protect human rights worldwide

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From: Haberland, John CPT MIL USA (b) (6)
Sent: Wednesday, January 19, 2011 6:34 PM
To: Coffman, Carl R COL MIL USA (b) (6)
Cc: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <(b) (6)>
Casamatta, Joseph M CPT MIL USA TRADOC <(b) (6)>
Subject: CSM visit to the Brig (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

Sir,

CPT Fein told me that you would like to have CSM Varner have a tour of the Brig and a visit with PFC Manning. I would like to coordinate that trip to the Brig and could accompany CSM Varner to the brig. I am free all day on Monday or Tuesday of those dates work.

Very Respectfully,

CPT John B. Haberland
Regimental Judge Advocate
3rd U.S. Infantry Regiment (The Old Guard)

(b) (6)

Classification: UNCLASSIFIED

Caveats: FOUO

From: COFFMAN, CARL R COL MIL USA IMCOM (b) (6)
Sent: Wednesday, January 19, 2011 8:50 PM
To: (b) (6)
Cc: Fein, Ashden CPT USA JEHO-NCR/MDW SJA (b) (6)
(b) (6)
Subject: Manning

Dan,

Good evening. It is my understanding that my trial counsel requested the below documents, outlined in the attached request:

- a. DD 2710, Inmate Background Summary for PFC Manning
- b. DD 2715-2, Inmate Summary Data for PFC Manning
- c. DD 2719, any Continuation Sheet for PFC Manning
- d. Any other assessment of PFC Manning by a brig mental health professional, guard, counselor or case manager
- e. Any assessment or determination by you or a member of your staff concerning PFC Manning
- f. Any additional information you rely upon to make the determination of PFC Manning's classification and confinement status.

Could you please expedite the delivery of these documents and any other documentation for PFC Manning's POI and the recent suicide watch status? I would like to review these documents to better understand his current status. I also plan to send my CSM to the brig so that he may sit down with PFC Manning and introduce himself, since he just assumed responsibility of the Joint Base yesterday.

Please have the documents sent to the prosecution team (CPT Fein and CPT Haberland), who are CCed on this email.

Thank you.

Carl

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, February 03, 2011 6:57 PM
To: (b) (6)
Cc: Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Carlile, Monica L. SFC USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM

Sir. Mr. Coombs, BM's defense attorney was read-on today. As per our conversation and your directive, we dated the re-start of the RCM 706 for today and we are sending it out to the Board. Thank you.

v/r

Ashden

Ashden Fein

CPT, JA

Chief, Military Justice

U.S. Army Military District of Washington (MDW)

(b) (6)



From: Brown, Kirk O MAJ MIL USA (b) (6)
Sent: Tuesday, February 15, 2011 9:54 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Cc: Coffman, Carl R COL MIL USA
Subject: Document from COL Coffman (UNCLASSIFIED)
Attachments: AR-M550LL_20110215_095308_001.pdf
Signed By: (b) (6)

Classification: UNCLASSIFIED
Caveats: FOUO

CPT Fein,
Attached is a signed document from COL Coffman. Please confirm receipt, thanks

v/r
MAJ Kirk O. Brown
Board Recorder
Department of the Army Secretariat for DA Selection Boards
Human Resources Command
1600 Spearhead Division Avenue, Department 471
Fort Knox, KY 40122

(b) (6)

Classification: UNCLASSIFIED
Caveats: FOUO

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, March 02, 2011 5:58 PM
To: Coffman, Carl R COL MIL USA
Subject: Chat TONIGHT

Importance: High

Sir. Please call my BB tonight. Need to give you an update. Thank you. Ashden

Ashden Fein

CPT, JA

Chief, Military Justice

U.S. Army Military District of Washington (MDW)

(b) (6)



From: Coffman, Carl R COL MIL USA (b) (6)
Sent: Friday, March 4, 2011 4:42 PM
To: Leiker, Cameron A LTC MIL USA (b) (6); Fein, Ashden CPT
USA JFHQ-NCR/MDW SJA (b) (6)
Subject: Setting Conditions (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

Gentlemen,

Got a call from the Commander at Quantico. When we are getting ready to inform BM on anything that may change his condition or mental state we need to inform the mental health Doc and the Brig so they can be prepared to deal with result. For example, the Doc was not available when BM was notified of charges. He was on emergency leave and the Brig did not have the support they needed. Bottom line, let's get the support agencies and Brig notified and ready to assist prior to notifying BM of issues that may change his attitude.

C

Classification: UNCLASSIFIED

Caveats: FOUO

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, March 10, 2011 5:37 PM
To: COFFMAN, CARL R COL MIL USA IMCOM
Subject: timeline, etc.

Sir,

Below is a time line of day that charges were preferred (2 March 2011) from CPT Haberland. Also, will you be available on Monday for me to bring over some documents and give you a case update?

0915 - LTC Greer notified by phone at approximately 0915 that the charge sheet would be given to PFC Manning on that day.

0941 - I contacted CW02 Barnes and LTC Greer to ask them to let us know when PFC Manning spoke to his attorney

0949 - CW02 Barnes responded to me and cc'd COL Oltman, LTC Greer and MSgt Papakie asking if it was just because of the additional charges.

1402 - email from CW02 Barnes stating that MAJ Kemkes called and asked if the new charge sheet had been delivered and stated that he would visit at 1530.

1422 - LTC Greer emailed CPT Haberland to say that the 138 claim had been delivered to PFC Manning

1545 (approx) - charge sheet served on PFC Manning

1900 - CW02 Barnes notified CPT Joe Casamatta that PFC Manning's underwear had been removed because of his statements.

1910 - CW02 Barnes emailed CPT Haberland stating that his underwear had been removed but he had not been placed on suicide watch - she cc'd COL Oltman, MAJ Ebitz and LTC Greer.

Ashden Fein
CPT, JA
Chief, Military Justice
U.S. Army Military District of Washington (MDW)

(b) (6)



From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, April 04, 2011 11:49 AM
To: Coffman, Carl R COL MIL USA
Cc: Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Grimaldo, Jose A CPL MIL USA; Bandoh, Thanya S CIV US USA
Subject: Drive-by Tomorrow
Importance: High

Sir,

Do you mind if I have a quick drive-by tomorrow before 1330 or after 1700? Thank you.

v/r

Ashden

Ashden Fein

CPT, JA

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, April 15, 2011 9:55 AM
To: Coffman, Carl R COL MIL USA
Subject: Another phone call

Sir,

Are you available for another quick phone call. I am sorry. Many moving pieces this week.
202-450-8230

Ashden Fein

CPT, JA

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, April 25, 2011 8:57 AM
To: Bandoh, Thanya S CIV US USA; Coffman, Carl R COL MIL USA
Cc: Haberland, John CPT USA Regimental Judge Advocate; Marton, Andras M. LTC USA
JFHQ-NCR/MDW SJA
Subject: RE: Today (UNCLASSIFIED)

We are still waiting to receive additional information this morning. If we do not receive it, will he be available later in the day? Thank you again.

Ashden Fein
CPT, JA

-----Original Message-----

From: Bandoh, Thanya S CIV US USA [mailto:(b) (6)]
Sent: Monday, April 25, 2011 8:55 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA; Coffman, Carl R COL MIL USA
Subject: RE: Today (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Sir:

Col Coffman will be able to see you at 1300 today. Thank you.

Thanya

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
(b) (6)
Sent: Monday, April 25, 2011 7:37 AM
To: Coffman, Carl R COL MIL USA
Cc: Bandoh, Thanya S CIV US USA
Subject: Today
Importance: High

Sir. Once again, we have two more hot issues we worked over the weekend. Are you available today after lunchtime for me to come over and give you a quick brief and present some documents? Thank you.

v/r

Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, April 25, 2011 8:56 AM
To: Bandoh, Thanya S CIV US USA; Coffman, Carl R COL MIL USA
Subject: RE: Today (UNCLASSIFIED)

Thank you!

Ashden Fein
CPT, JA

-----Original Message-----

From: Bandoh, Thanya S CIV US USA [mailto:(b) (6)]
Sent: Monday, April 25, 2011 8:55 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA; Coffman, Carl R COL MIL USA
Subject: RE: Today (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Sir:

Col Coffman will be able to see you at 1300 today. Thank you.

Thanya

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
(b) (6)
Sent: Monday, April 25, 2011 7:37 AM
To: Coffman, Carl R COL MIL USA
Cc: Bandoh, Thanya S CIV US USA
Subject: Today
Importance: High

Sir. Once again, we have two more hot issues we worked over the weekend. Are you available today after lunchtime for me to come over and give you a quick brief and present some documents? Thank you.

v/r

Ashden

Ashden Fein

CPT, JA

Classification: UNCLASSIFIED

Caveats: FOUO

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, April 25, 2011 4:44 PM
To: Coffman, Carl R COL MIL USA
Cc: (b) (6); Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Bouchard, Paul CPT USCENTCOM USF-I USCENTCOM-TDS/FICI-JA-TBO; Haberland, John CPT MIL USA; Carlile, Monica L SFC USA JFHQ-NCR/MDW SJA; Feito, Beatriz SGT USA JFHQ- NCR/MDW SJA
Subject: US v. PFC BM (Art 32 Delay Request)
Attachments: 11-Apr-25-Government Request to Delay Article 32 (ManningB).pdf
Importance: High

Sir,

The United States requests a delay of the Article 32. Please see the attached request. We delivered the enclosures to you and will send the defense a separate encrypted email with the enclosures.

v/r
CPT Fein

Ashden Fein
CPT, JA

From: (b) (6)
Sent: Monday, April 25, 2011 8:13 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA (b) (6)
Cc: (b) (6) Matthew kemkes
(b) (6); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW
SJA (b) (6); Bouchard, Paul CPT USCENTCOM
USF-I USCENTCOM-TDS/FICI-JA-TBO (b) (6)
Haberland, John CPT MIL USA (b) (6); Carlie, Monica L. SFC
USA JFHQ-NCR/MDW SJA (b) (6); Feito, Beatriz
SGT USA JFHQ-NCR/MDW SJA (b) (6)
Subject: Re: US v. PFC BM (Art 32 Delay Request)

Ashden,
Got it.

Mr. Coombs,
Please provide me your feedback on the request by COB 27 April.

VR
COL Carl Coffman
Sent via BlackBerry by AT&T

From: (b) (6)
Sent: Tuesday, April 26, 2011 9:08 PM
To: (b) (6)
Cc: Matthew kemkes (b) (6); Morrow III, JoDean, CPT USA
JFHQ-NCR/MDW SJA (b) (6); Bouchard, Paul CPT
USCENTCOM USF-I USCENTCOM-TDS/FICI-JA-TBO
(b) (6); Haberland, John CPT MIL USA
Carlile, Monica L. SFC USA JFHQ-NCR/MDW SJA
(b) (6); Feito, Beatriz SGT USA JFHQ-NCR/MDW
SJA (b) (6); Fein, Ashden CPT USA JFHQ-NCR/MDW
SJA (b) (6)
Subject: RE: US v. PFC BM (Art 32 Delay Request)
Attach: Article 32 Delay.pdf; Attachment A.pdf; Attachment B.pdf; Attachment C.pdf;
Attachment D.pdf; Attachment E.pdf; Attachment F.pdf

Sir,

Please see the attached feedback regarding the Government's delay request.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Office: 1-800-588-4156
Fax: (508) 689-9282

(b) (6)
www.armycourt martialdefense.com

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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, May 23, 2011 7:55 AM
To: 'Coffman, Carl R. COL MIL USA'
Cc: (b) (6); Matthew kemkes; Morrow III, JoDean, CPT USA
JFHQ-NCR/MDW SJA; Bouchard, Paul CPT USCENTCOM USF-I USCENTCOM-TDS/FICI-
JA-TBO; 'Haberland, John CPT MIL USA'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW
SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Art 32 Delay Request)
Attachments: 11-May-22-Government Request to Delay Article 32 (ManningB).pdf

Sir,

The United States requests an additional delay of the Article 32. Please see the attached request.

v/r
CPT Fein

Ashden Fein
CPT, JA

From: COFFMAN, CARL R COL MIL USA IMCOM (b) (6)
Sent: Tuesday, May 24, 2011 4:57 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA (b) (6)
Cc: (b) (6) Matthew kemkes
(b) (6) Morrow III, JoDean, CPT USA JFHQ-NCR/MDW
SJA (b) (6) Bouchard, Paul CPT USCENTCOM
USF-I USCENTCOM-TDS/FICI-JA-TBO (b) (6)
Haberland, John CPT MIL USA (b) (6) Overgaard, Angel M.
CPT USA JFHQ-NCR/MDW SJA (b) (6) Ford,
Arthur D. WO1 USA JFHQ-NCR/MDW SJA (b) (6)
Subject: Re: US v. PFC BM (Art 32 Delay Request) (UNCLASSIFIED)

Classification: UNCLASSIFIED

Mr. Coombs,

Please provide me any comments you may have by COB 25 May 2011.

COL Coffman, Carl

From: (b) (6)
Sent: Tuesday, May 24, 2011 8:46 PM
To: COFFMAN, CARL R COL MIL USA IMCOM <(b) (6)>
Cc: Matthew kemkes (b) (6); Morrow III, JoDean, CPT USA
JFHQ-NCR/MDW SJA (b) (6); Bouchard, Paul CPT
JUSCENTCOM USE JUSCENTCOM-TDS/FICI-JA-TBO
(b) (6); Haberland, John CPT MIL USA
(b) (6); Overgaard, Angel M. CPT USA JFHQ-NCR/MDW
SJA (b) (6); Ford, Arthur D. WO1 USA JFHQ-
NCR/MDW SJA (b) (6); Fein, Ashden CPT USA JFHQ-
NCR/MDW SJA (b) (6); Joshua Tooman
(b) (6)
Subject: [Suspected SPAM] RE: US v. PFC BM (Art 32 Delay Request) (UNCLASSIFIED)

Sir,

The defense maintains its position as stated in the 26 April 2011 memorandum. Given the limited discovery provided so far, it is likely that the Article 32 will need to be delayed in order to provide the defense with the ability to adequately prepare. The defense requests that any additional delay be credited to the government.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Office: 1-800-588-4156
Fax: (508) 689-9282

(b) (6)
www.armycourt martialdefense.com

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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, June 27, 2011 6:17 PM
To: COFFMAN,CARL R COL MIL USA IMCOM
Cc: Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
(b) (6) (b) (6) Overgaard, Angel M.
CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; Joshua
Tooman; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Art 32 Delay Request)
Attachments: 11-Jun-27-Government Request to Delay Article 32 (ManningB).pdf
Importance: High

Sir,

The United States requests an additional delay of the Article 32. Please see the attached request. We apologize for not providing an update sooner, but we were hoping to have an OCA's approval before the end of last week.

v/r
CPT Fein

Ashden Fein
CPT, JA

Ashden Fein
CPT, JA

From: COFFMAN, CARL R COL MIL USA IMCOM (b) (6)
Sent: Wednesday, June 29, 2011 4:56 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA (b) (6)
Cc: (b) (6) Morrow III, JoDean, CPT USA
JFHQ-NCR/MDW SJA (b) (6)
(b) (6) (b) (6) overgaard, Angel
M. CPT USA JFHQ-NCR/MDW SJA (b) (6) Ford,
Arthur D. WO1 USA JFHQ-NCR/MDW SJA (b) (6)
Joshua Toomar (b) (6) Arthur D. WO1 USA JFHQ-
NCR/MDW SJ (b) (6)
Subject: Re: US v. PFC BM (Art 32 Delay Request) (UNCLASSIFIED)

Classification: UNCLASSIFIED

Mr. Coombs,

Do you have any comments on the request?

COL Coffman

From: (b) (6)
Sent: Wednesday, June 29, 2011 8:37 PM
To: COFFMAN, CARL R COL MIL USA IMCOM <carl.coffman@us.army.mil>
Cc: Matthew kemkes <(b) (6)>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA (b) (6)
(b) (6); Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
(b) (6); Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA (b) (6); Joshua Tooman
(b) (6); Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
(b) (6)
Subject: [Suspected SPAM] RE: US v. PFC BM (Art 32 Delay Request) (UNCLASSIFIED)

Sir,

The defense maintains its position as stated in its 26 April 2011 memorandum. Once the Government is able to provide the classified and unclassified discovery, we will likely need to delay the Article 32 hearing in order to provide the defense with an opportunity to adequately prepare. The defense requests that any additional delay be credited to the government.

V/R
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Office: 1-800-588-4156
Fax: (508) 689-9282

(b) (6)

www.armycourt martialdefense.com

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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, July 25, 2011 9:55 AM
To: COFFMAN, CARLR COL MIL USA IMCOM
Cc: Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
(b) (6) (b) (6) Overgaard, Angel M.
CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; Joshua
Tooman; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Art 32 Delay Request)
Attachments: 11-Jul-25-Government Request to Delay Article 32 (ManningB).pdf
Importance: High

Sir,

The United States requests an additional delay of the Article 32. Please see the attached request.

v/r
CPT Fein

Ashden Fein
CPT, JA

From: COFFMAN, CARL R COL MIL USA IMCOM (b) (6)
Sent: Monday, July 25, 2011 3:32 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA (b) (6)
Cc: Matthew kemkes (b) (6) Morrow III, JoDean, CPT USA
JFHQ-NCR/MDW SJA (b) (6)
(b) (6) Overgaard, Angel
M. CPT USA JFHQ-NCR/MDW SJA (b) (6) Ford,
Arthur D. WO1 USA JFHQ-NCR/MDW SJA (b) (6)
Joshua Toomar (b) (6) Ford, Arthur D. WO1 USA JFHQ-
NCR/MDW SJA (b) (6)
Subject: Re: US v. PFC BM (Art 32 Delay Request) (UNCLASSIFIED)

Classification: UNCLASSIFIED

Mr. Coombs,

Does the Defense have any issues with the request?

COL Coffman

From: (b) (6)
Sent: Monday, July 25, 2011 5:52 PM
To: COFFMAN, CARL R COL MIL USA IMCOM (b) (6)
Cc: Matthew kemkes (b) (6); Morrow III, JoDean, CPT USA
JFHQ-NCR/MDW SJA (b) (6)
(b) (6); Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
(b) (6); Ford, Arthur D. WO1 USA JFHQ-
NCR/MDW SJA (b) (6); Joshua Tooman
(b) (6); Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
(b) (6)
Subject: [Suspected SPAM] RE: US v. PFC BM (Art 32 Delay Request) (UNCLASSIFIED)
Attach: Article 32 Delay Request.pdf

Sir,

Please see the attached document for the defense response.

V/R
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Office: 1-800-588-4156
Fax: (508) 689-9282

(b) (6)

www.armycourtartialdefense.com

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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, August 02, 2011 7:27 PM
To: Coffman, Carl R COL MIL USA
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Subject: Discovery Update (US v. PFC BM)

Importance: Low

Sir,

Below is FYSA. As discussed before, we are continuing to provide evidence in discovery as we receive approvals.

v/r

Ashden

-----Original Message-----

From: (b) (6)
[mailto:(b) (6)]
Sent: Tuesday, August 02, 2011 7:19 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Cc: Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
(b) (6) Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; Joshua Tooman
Subject: [Suspected SPAM] RE: Discovery Update (US v. PFC BM)
Importance: Low

Ashden,

Thank you for the update.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Office: 1-800-588-4156
Fax: (508) 689-9282

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----- Original Message -----
Subject: Discovery Update (US v. PFC BM)

From: "Fein, Ashden CPT USA JFHQ-NCR/MDW SJA"

(b) (6)

Date: Tue, August 02, 2011 2:50 pm

To: (b) (6)

Cc: "Matthew kemkes" (b) (6), "Morrow III, JoDean,
CPT USA JFHQ-NCR/MDW SJA" (b) (6)

(b) (6)

Overgaard, Angel M. CPT USA JFHQ-NCR/MDW
SJA" (b) (6), "Ford, Arthur D. WO1 USA

JFHQ-NCR/MDW SJA" (b) (6), "Joshua Tooman"

(b) (6)

David,

We sent you and MAJ Kemkes the following today in discovery (BATES
36618-36802):

CID Case File Updates

FLAG Memo for Sec Army 15-6

SFC Adkins Reduction Board Appeal and Attachments

BM's newly executed Nondisclosure Agreement (NDA)

Your tracking number: 7010 1060 0001 1272 6251.

v/r

Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, August 09, 2011 12:35 PM
To: 'Bandoh, Thanya S CIV US USA'
Cc: Coffman, Carl R COL MIL USA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Stapley, Jordan C. CPT USA JFHQ-NCR/MDW SJA
Subject: MTG w/ COL Coffman

Thanya,

Does COL Coffman have an appointment available at the end of the day on Thursday? If possible, I would like to come by around 1700 to brief him on new issues in our case and get a few documents signed. Thank you.

v/r
CPT Fein

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, August 09, 2011 3:20 PM
To: Coffman, Carl R COL MIL USA
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: FW: Discovery Update (US v. PFC BM)

Sir. FYSA. We sent additional discovery today. Vr Ashden

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA

Sent: Tuesday, August 09, 2011 3:19 PM

To: (b) (6)

Cc: Matthew Kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;

(b) (6) Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford,

Arthur D. WO1 USA JFHQ-NCR/MDW SJA; Joshua Tooman

Subject: Discovery Update (US v. PFC BM)

David,

We sent you and MAJ Kemkes the following today in discovery (BATES 036803):

Quantico Brig Recordings

Your tracking number: 7010 1060 0001 1272 6268

v/r

Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, August 22, 2011 7:08 PM
To: Coffman, Carl R COL MIL USA
Subject: FW: US v. PFC BM Discovery, etc.

Sir. We provided more unclassified discovery. FYSA.

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, August 22, 2011 7:07 PM
To: (b) (6)
Cc: Matthew kemkes; (b) (6) Joshua Tooman; Ford, Arthur
D. WO1 USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA;
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM Discovery, etc.

David,

Good evening. Below is an update on discovery and other issues:

1. A CD containing the Clausen files (036804-042806) was sent to you (7010-1060-0001-1272-6282) and MAJ Kemkes should have received his copy today or will tomorrow.
2. Last week, I emailed Paul that we should have an answer by COB today on when we expect to have the classified forensic evidence ready for you and your team. For multiple reasons, we will not be able to provide an answer today. I hope to be able to provide an answer by the end of this week to allow you and your experts adequate time to plan for travel.
3. Trent Struttman's clearance is being expeditiously processed. All of his information appears to be received.
4. Contracting has received the CyberAgents contract and is working to award the sole-source contract so we can ensure their payments are preapproved prior to their arrival.
5. We are working on finalizing the acquisition of the defense forensic computer equipment and software. Our intent is to acquire all the material and then send it to your experts (once officially retained by Contracting) so they can preload the software and be ready to go.
6. We are working on finalizing Dr. Moulton's travel arrangements (DTS) so he can freely travel to LVN-CAC.

v/r
Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, August 25, 2011 9:54 PM
To: Coffman, Carl R COL MIL USA
Cc: Matthew kemkes; (b) (6); Tooman, Joshua J CPT MIL US
USA TRADOC (b) (6); Morrow III, JoDean, CPT USA JFHQ-
NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D.
WO1 USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Art 32 Delay Request)
Attachments: 11-Aug-25-Government Request to Delay Article 32 (ManningB).pdf
Importance: High

Sir,

The United States requests an additional delay of the Article 32. Please see the attached request.

v/r
CPT Fein

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, August 25, 2011 9:55 PM
To: Coffman, Carl R COL MIL USA
Cc: Bando, Thanya S CIV US USA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA;
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Subject: Chat tomorrow

Sir,

Are you available to chat over the phone tomorrow? I will be available
anytime by BB (b) (6)

Thank you.

v/r
Ashden

From: (b) (6)
Sent: Saturday, August 27, 2011 6:31 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <(b) (6)>
Cc: Matthew kemkes (b) (6);
(b) (6); Tooman, Joshua J CPT MIL US USA
TRADOC (b) (6); (b) (6); Morrow III,
JoDean, CPT USA JFHQ-NCR/MDW SJA (b) (6);
Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
(b) (6); Ford, Arthur D. WO1 USA JFHQ-
NCR/MDW SJA (b) (6)
Subject: Re: US v. PFC BM (Art 32 Delay Request)

Mr. Coombs,
Do you have any issues or additions?
COL Coffman
Sent via BlackBerry by AT&T

From: (b) (6)
Sent: Saturday, August 27, 2011 7:51 PM
To: (b) (6)
Cc: Matthew kemkes (b) (6); Tooman, Joshua J CPT MIL US
USA TRADOC (b) (6) (b) (6) Morrow
III, JoDean, CPT USA JFHO-NCR/MDW SJA (b) (6)
(b) (6) Overgaard, Angel M. CPT USA JFHQ-
NCR/MDW SJA (b) (6); Ford, Arthur D. WO1
USA JFHQ-NCR/MDW SJA (b) (6); Fein, Ashden CPT
USA JFHQ-NCR/MDW SJA (b) (6)
Subject: [Suspected SPAM] RE: US v. PFC BM (Art 32 Delay Request)

Sir,

The Defense maintains its previous position that any additional delay should not be excluded under R.C.M. 707(c). Instead, the requested delay should be credited to the Government for speedy trial purposes under Article 10 of the Uniform Code of Military Justice.

V/R
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282

(b) (6)

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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, September 01, 2011 11:14 AM
To: Coffman, Carl R COL MIL USA
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: FW: US v. PFC BM (Discovery Update)

Sir. FYSA.

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, September 01, 2011 11:13 AM
To: (b) (6)
Cc: 'Kemkes, Matthew J MAJ MIL USA'; (b) (6) 'Joshua Tooman'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Discovery Update)

David,

We placed a DVD in the mail today containing unclassified discovery (BATES: 042807-044864). This DVD includes multiple pretrial confinement documents from the confinement facilities. A copy is being delivered to MAJ Kemkes today.

v/r
Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, September 15, 2011 7:32 AM
To: [REDACTED] CIV US USA; [REDACTED] MIL USA IMCOM
Cc: Coffman, Carl R COL MIL USA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: Memo for COL Coffman

Ladies,

Good morning. Is there any chance I can schedule 5 minutes today for a phone conversation with COL Coffman about the memorandum I sent two days ago? Thanks.

v/r
CPT Fein

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Sunday, September 18, 2011 9:16 PM
To: Coffman, Carl R COL MIL USA
Cc: Casamatta, Joseph M CPT MIL USA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Involuntary Extension)

Sir,

We have been working with MDW J1 to have PFC BM's ETS involuntarily extended, because his ETS date is in Oct 11. By operation of law, he is automatically extended based on preferral of charges; however, the systems will not reflect- so this action was completed. We are still working on receiving written confirmation.

v/r
Ashden

-----Original Message-----

From: Feito, Beatriz SGT USA JFHQ- NCR/MDW SJA
Sent: Tuesday, September 13, 2011 8:51 AM

-----Original Message-----

From: Dallman, David E. CIV JFHQ-NCR/MDW J1
Sent: Tuesday, September 13, 2011 8:41 AM
To: Feito, Beatriz SGT USA JFHQ- NCR/MDW SJA
Subject: RE: Involuntary extension (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

ETS has been changed and I working the reassignment to USAG now. D

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, September 26, 2011 5:35 PM
To: (b) (6)
Cc: (b) (6); Matthew kemkes; Morrow III, JoDean, CPT USA
JFHQ-NCR/MDW SJA; (b) (6); Haberland, John CPT MIL USA;
Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT MIL US
USA TRADOC
Subject: US v. PFC BM (Art 32 Delay Request)
Attachments: 110926-Government Request to Delay Article 32.pdf
Importance: High

Sir,

The United States requests a delay of the Article 32. Please see the attached request. Our digital scanner does not work, so I am providing an unsigned but final version. I will send an updated signed copy tomorrow.

v/r
CPT Fein

Ashden Fein
CPT, JA

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, September 26, 2011 5:38 PM
To: carl.coffman@us.army.mil
Cc: (b)(1)(B) CIV US USA; (b)(1)(B) MIL USA IMCOM; Ford, A thur D.
WO1 USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Courier Cards)
Attachments: 1109XX-SPCMCA Action for Defense Request for Courier Cards.pdf

Sir,

Attached is a request from the defense for courier cards. I recommend supporting their request. Ms. Ryan (MDW) and LVN-CAC are standing by to ensure implementation, if you approve. I am available anytime tomorrow to discuss, prior to signing-if needed.
Thank you.

v/r
Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, September 27, 2011 7:39 AM
To: (b) (6)
Cc: (b) (6); Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; (b) (6); 'Haberland, John CPT MIL USA'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT MIL US USA TRADOC
Subject: US v. PFC BM (Art 32 Delay Request)
Attachments: 110926-Government Request to Delay Article 32.pdf

Sir,

Attached is a signed version. Thank you.

v/r
Ashden

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, September 26, 2011 5:35 PM
To: (b) (6)
Cc: (b) (6); Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; (b) (6); 'Haberland, John CPT MIL USA'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT MIL US USA TRADOC
Subject: US v. PFC BM (Art 32 Delay Request)
Importance: High

Sir,

The United States requests a delay of the Article 32. Please see the attached request. Our digital scanner does not work, so I am providing an unsigned but final version. I will send an updated signed copy tomorrow.

v/r
CPT Fein

Ashden Fein
CPT, JA

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, September 27, 2011 8:48 AM
To: Henderson, Ketty D SSG MIL USA IMCOM; Bando, Thanya S CIV US USA
Subject: this morning

Ladies,

Good morning. Is there a time this morning that I could steal no more than 5 minutes on the phone with COL Coffman? If so, would you mind printing the document I sent and have it ready for the phone call? Thank you so very much!!!

CPT Fein

From: (b) (6)
Sent: Tuesday, September 27, 2011 12:27 PM
To: (b) (6)
Cc: Matthew kemkes (b) (6); Morrow III, JoDean, CPT USA
JFHQ-NCR/MDW SJA (b) (6)
(b) (6); Haberland, John CPT MIL USA
(b) (6); Overgaard, Angel M. CPT USA JFHQ-NCR/MDW
SJA (b) (6); Tooman, Joshua J CPT MIL US USA
TRADOC (b) (6); Fein, Ashden CPT USA JFHQ-NCR/MDW
SJA (b) (6)
Subject: [Suspected SPAM] RE: US v. PFC BM (Art 32 Delay Request)

Sir,

The Defense maintains its previous position that any additional delay should not be excluded under R.C.M. 707 (c). Instead, the requested delay should be credited to the Government for speedy trial purposes under Article 10 of the Uniform Code of Military Justice.

V/R
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282

(b) (6)
www.armycourt martialdefense.com

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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, September 28, 2011 7:37 AM
To: (b)(1)(B) MIL USA IMCOM; (b)(1)(B) CIV US USA
Cc: Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; (b)(6)
Subject: COL Coffman today
Attachments: 1109XX-SPCMCA Action for Defense Request for Courier Cards.pdf; 1109XX-SPCMCA Delay of Article 32 Investigation.pdf
Importance: High

Ladies,

I am sorry for bombarding you with emails on Monday. Please disregard those. Could you please schedule a time for me to chat with COL Coffman (5 minutes on the phone) and have these two documents ready for his review? I am available anytime today, except between 1430 and 1630, because I will be in a SCIF. Thank you!!!

CPT Fein

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, October 12, 2011 3:35 PM
To: (b)(1)(B) US USA; (b)(1)(B) MIL USA IMCOM
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; Coffman, Carl R COL MIL USA
Subject: US v. PFC BM Document
Attachments: 1110XX-Excludable Delay Memorandum.pdf

Ladies,

Does COL Coffman have 5 minutes today to receive a phone update and review the attached document? Thank you.

v/r
CPT Fein

From: (b)(1)(B) CIV US USA (b) (6) @us.army.mil]
Sent: Wednesday, October 12, 2011 3:47 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA; (b)(1)(B) FMMC (FTMYER)
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; Coffman, Carl R COL MIL USA
Subject: RE: US v. PFC BM Document (UNCLASSIFIED)
Signed By: thanya.bandoh@us.army.mil

Classification: UNCLASSIFIED

Caveats: FOUO

CPT Fein:

Col Coffman is on Leave until 10/18/11.

Thanya

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, October 13, 2011 1:10 PM
To: Coffman, Carl R COL MIL USA
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: FW: US v. PFC BM (Discovery)

Sir. FYSA. We produced additional discovery. As of yesterday, a total of 45,581 pages.

v/r
Ashden

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, October 13, 2011 1:09 PM
To: (b) (6)
Cc: Matthew kemkes; 'Tooman, Joshua J CPT MIL US USA TRADOC';
(b) (6); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA
JFHQ-NCR/MDW SJA; 'Melissa Santiago'
Subject: US v. PFC BM (Discovery)

David,

Yesterday, we sent to you (tracking # 7010 1060 0001 1274 4019) and delivered to MAJ Kemkes unclassified discovery (BATES: 00045302-00045581). These documents are miscellaneous documents from the CID case file. We also re-delivered the three classified laptops to the TDS office and verified that CW2 Santiago could log on to one of them.

v/r
Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, October 21, 2011 7:04 AM
To: Coffman, Carl R COL MIL USA
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: FW: US v. PFC BM (Discovery)

Sir. FYSA-Ongoing unclassified discovery production.

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, October 21, 2011 7:03 AM
To: (b) (6)
Cc: Matthew kemkes; 'Tooman, Joshua J CPT MIL US USA TRADOC';
(b) (6) Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA
JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Discovery)

David,

Yesterday, we sent to you (tracking: 7010 1060 0001 1274 4026) miscellaneous CID documents from their case file (00045582-00046073). We also delivered a copy to MAJ Kemkes. Have a good weekend.

v/r
Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, October 25, 2011 6:11 PM
To: (b) (6)
Cc: (b) (6); Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; (b) (6); 'Haberland, John CPT MIL USA'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; 'Tooman, Joshua J CPT MIL US USA TRADOC'
Subject: US v. PFC BM (Art 32 Delay Request)
Attachments: 111025-Government Request to Delay Article 32.pdf
Importance: High

Sir,

The United States requests a delay of the Article 32. Please see the attached request.

v/r
CPT Fein

Ashden Fein
CPT, JA

From: (b) (6)
Sent: Tuesday, October 25, 2011 6:49 PM
To: (b) (6)
Cc: Matthew kemkes (b) (6); Morrow III, JoDean, CPT USA
JFHQ-NCR/MDW SJA (b) (6)
(b) (6); Haberland, John CPT MIL USA
(b) (6); Overgaard, Angel M. CPT USA JFHQ-NCR/MDW
SJA (b) (6); Tooman, Joshua J CPT MIL US USA
TRAD (b) (6); Fein, Ashden CPT USA JFHQ-NCR/MDW
SJA (b) (6)
Subject: [Suspected SPAM] RE: US v. PFC BM (Art 32 Delay Request)

Sir,

The defense maintains its previous position that any additional delay should not be excluded under R.C.M. 707 (c). Instead, the requested delay should be credited to the Government for speedy trial purposes under Article 10 of the Uniform Code of Military Justice.

V/R
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282

(b) (6)

www.armycourt martialdefense.com

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From: COFFMAN, CARL R COL MIL USA IMCOM (b) (6)
Sent: Wednesday, October 26, 2011 4:37 PM
To: (b) (6)
Cc: Matthew Kemke (b) (6); Morrow III, JoDean, CPT USA
JFHQ-NCR/MDW SJA (b) (6)
(b) (6) Haberland, John CPT MIL USA
(b) (6) Overgaard, Angel M. CPT USA JFHQ-NCR/MDW
SJA (b) (6); Tooman, Joshua J CPT MIL US USA
TRADOC (b) (6); Fein, Ashden CPT USA JFHQ-NCR/MDW
SJA (b) (6)
Subject: RE: US v. PFC BM (Art 32 Delay Request) (UNCLASSIFIED)

Classification: UNCLASSIFIED

Thanks.

Coffman

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, October 27, 2011 7:22 AM
To: CIV US USA'; (b)(1)(B) MIL USA IMCOM'
Cc: (b) (6); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-
NCR/MDW SJA
Subject: Document for COL Coffman
Attachments: 1110XX-SPCMCA Delay of Article 32 Investigation.pdf

Ladies,

Good morning. Does COL Coffman have 5 minutes (or less) today for a phone conversation? If so, could you please print this document and have it ready for the phone call?

Additionally, is it possible to schedule a meeting next week for COL Coffman to come over to Fort McNair and receive a full case update in our secure facility? Does he have time on Wed or Thu of next week?

Thank you!

CPT Fein

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, November 04, 2011 6:07 PM
To: (b) (6)
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: FW: US v. PFC BM (Discovery & Meeting Location)

Sir. FYSA below. BLUF: we received final approval to turnover classified forensic data and did so today. A total of 329,055 pages. Waiting on the last 2 classification reviews. Once we receive or at least confirmation they will be complete, we will request a restart of the Article 32. I estimate this request to come to you by the end of next week.

Have a good weekend.

v/r
Ashden

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, November 04, 2011 6:02 PM
To: (b) (6); Kemkes, Matthew J MAJ MIL USA; 'Tooman, Joshua J CPT MIL US USA TRADOC'; Bouchard, Paul R CPT USA MIL (US)
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Discovery & Meeting Location)

David,

DISCOVERY

Today, we received final approval to turn-over the relevant classified information contained in the forensic reports. CW2 Santiago signed for two sets of disks, containing the forensic reports and specific native files (BATES 00046074-00375129).

The production consists of the portions of the forensic reports the government intends to use in its case. The associated native files are non-word processed files, such as audio/visual files and spreadsheets, and each has an associated placeholder document with a single BATES stamp.

If you have any questions, please let us know.

MEETING LOCATION

On Monday, I will send out the exact location of our meeting. We are trying to reserve a different conference room at Fort McNair and will know by Monday.
Please plan on starting by 0900.

Thank you and have a good weekend.

v/r
Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, November 16, 2011 2:13 PM
To: (b) (6)
Cc: (b) (6); Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; (b) (6); 'Haberland, John CPT MIL USA'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT MIL US USA TRADOC
Subject: US v. PFC BM (Art 32 Restart & Delay)
Attachments: 111116-Request to Restart Art 32 and Delay.pdf
Importance: High

Sir,

The United States requests immediate action on this request to start OPLAN BRAVO. Attached is a request to restart the Article 32 investigation, and a request to exclude additional time under the RCM.

Thank you.

v/r
CPT Fein

From: (b) (6)
Sent: Wednesday, November 16, 2011 2:23 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA (b) (6)
Cc: (b) (6) Matthew kemkes
(b) (6) Morrow III, JoDean, CPT USA JFHQ-NCR/MDW
SJA (b) (6) (b) (6)
Haberland, John CPT MIL USA (b) (6) Overgaard, Angel M.
CPT USA JFHQ-NCR/MDW SJA (b) (6) >; Tooman,
Joshua J CPT MIL US USA TRADOC (b) (6)
Subject: Re: US v. PFC BM (Art 32 Restart & Delay)

Mr. Coombs,
Does the Defense have any concerns?
VR
COL Coffman
Sent via BlackBerry by AT&T

From: (b) (6)
Sent: Wednesday, November 16, 2011 2:42 PM
To: (b) (6)
Cc: Matthew kemke (b) (6); Morrow III, JoDean, CPT USA
JFHQ-NCR/MDW SIA (b) (6); Haberland, John CPT
MIL USA (b) (6); Overgaard, Angel M. CPT USA JFHQ-
NCR/MDW SJA (b) (6); Fein, Ashden CPT USA
JFHQ-NCR/MDW SIA (b) (6); Paul Bouchard
(b) (6); Joshua Tooma (b) (6)
Melissa Santiago (b) (6)
Subject: [Suspected SPAM] RE: US v. PFC BM (Art 32 Restart & Delay)

Sir,

On Monday, I had a conversation with CPT Fein and LTC Almanza. We discussed the possible dates for the restart of the Article 32, and the need for time for the Government to execute OPLAN Bravo. Later that day, I sent an email to CPT Fein requesting, in anticipation of your order to restart the Article 32, that the Government begin its preparations so that you could order a restart on 12 December 2011. Based upon the Government's request today, it appears that nothing has been done between Monday and today. Additionally, the Government has failed to provide you with any justification for the arbitrary 30-day requirement in order to complete its OPLAN Bravo.

The Defense requests that you order the restart to occur on 12 December 2011. This will provide the government with 27 days to execute its OPLAN Bravo. By ordering the restart on 12 December 2011, you will provide us with enough time to complete the hearing prior to the holiday period. This would avoid any issues with obtaining needed witnesses or unnecessarily requiring some witnesses to cancel their previously scheduled holiday plans.

Additionally, the Defense objects to the Government's request that you determine that the time period between today and the actual restart date should be excludable delay under R.C.M. 707(c). This time period should instead count against the Government for speedy trial purposes under Article 10 of the Uniform Code of Military Justice.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (b) (6)
Fax: (508) 689-9282
(b) (6)

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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, December 06, 2011 9:42 AM
To: (b) (6)
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Update)

Sir. Good morning. On 2 Dec 11, we received from an OGA the final classification review of our charged documents. We needed this document before we went forward with the Article 32 and now have it. There should be no impediments with us going forward. OPLAN BRAVO is currently underway. Please see the below summary on the OPLAN. I intend to forward you a copy of this update on a daily basis, so you can continue to track its progress.

Thank you.

v/r

Ashden

-----Original Message-----

From: (b)(1)(B)

Sent: Monday, December 05, 2011 7:52 PM

To: (b)(1)(B)

Cc: (b)(1)(B)

Subject: 5 DEC 11- SITREP OPLAN Bravo (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

Ladies and Gentlemen:

Please note the following updates to the execution of OPLAN Bravo.

1. Movement (PMO).

a. MILAIR. Request pending. Date selected, Time TBD; APOE/APOD set.

b. Ground. MDW escort has been identified and trained. Coordination with city/county/state/Federal law enforcement complete.

2. Confinement (PMO). Final coordination with local confinement facility complete. Established procedure for reception, daily transfer, living conditions (including Special Administrative Measures (SAMs)), health and welfare, protestors, and media plan.

3. Security (FGGM DES).

a. Threat Assessment. No Change.

b. Physical Security. No Change.

c. Information Security. JFHQ-NCR issued network contingency plan to increase situational awareness for FMMG and JBM-HH networks and provide network defense and remediation.

4. Infrastructure (FGGM DPW/SJA). No Change.

5. Travel (SJA). TDY billeting plan established. SJA has line of accounting available to create TDY authorizations in DTS.

6. Funding (J8/SJA). NSTR.

7. Legal Proceedings (SJA). IO has reported and linked up with legal advisor.

8. Media Plan (MDW PAO).

a. Media Support. Media roundtable will be scheduled 7 or 8 DEC at OCPA to establish ground rules for media and for attendance by general public, including time, place, manner restrictions on demonstrations. Defense Team published its request for witnesses, which has generated media inquiries. PAG anticipated the inquiries, and PAO has responded to those inquiries.

b. Media Engagement. Legal spokesman media training conducted at OCPA.

9. Rehearsals. ROC drill 8 0900 DEC 11 at FGGM. T: Establish battle rhythm and reporting. P: To facilitate command and control of OPLAN Bravo during operational phase.

10. Actions at higher. NSTR.

Please contact me or the OPR for detailed information.

Thank you.

v/r

(b)(1)(B)

(b)(1)(B)

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, December 06, 2011 11:32 AM
To: (b) (6)
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: FW: US v. PFC BM (Discovery)
Attachments: iso burning in windows.pdf

Sir. FYSA. Discovery continues as we prepare for the Article 32.

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, December 06, 2011 11:32 AM
To: (b) (6)
Cc: Matthew Kemkes; 'Tooman, Joshua J CPT MIL US USA TRADOC'; (b) (6); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; 'Melissa Santiago'
Subject: US v. PFC BM (Discovery)

David,

On 5 Dec 11, we sent you (tracking # 7010 1060 0001 1274 4057) unclassified discovery (BATES: 00408202-00409672). These documents contain additional pretrial confinement documents and other information).

Today, we sent you (tracking # 7010 1060 0001 1274 4064) unclassified discovery (BATES: 00409673-00409678). These documents contain ISOs (CD/DVD disc images) of IA and other related training. Attached to this email is the Microsoft Windows 7 "help" instructions on how to burn an ISO to a blank CD/DVD.

Today, Both items were delivered to CW2 Santiago (MAJ Kemkes is out of office until 12 Dec).

Additionally, the government purchased the software your experts requested and we are waiting for delivery.

v/r
Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, December 06, 2011 6:30 PM
To: (b) (6)
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: FW: 6 DEC 11- SITREP OPLAN Bravo (UNCLASSIFIED)

Sir. FYSA.

-----Original Message-----

From: Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA

(b)(1)(B)

Subject: FW: 6 DEC 11- SITREP OPLAN Bravo (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

FYSA

v/r,

JP

Jairo A. Parra
WO1, JA
Legal Administrator
JFHQ-NCR, MDW

(b)(1)(B)

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-----Original Message-----

From: (b)(1)(B)
Sent: Tuesday, December 06, 2011 5:12 PM

To:

(b)(1)(B)

Cc:

Subject: 6 DEC 11- SITREP OPLAN Bravo (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

Ladies and Gentlemen:

Please note the following updates to the execution of OPLAN Bravo.

1. Movement (PMO). Request for temporary release of pretrial confinee submitted to CDR, JRCF.
 - a. MILAIR. No Change. Request for aircraft pending. Wargaming backup plans in case of flight cancellation on requested date.
 - b. Ground. No Change. Coordination complete
2. Confinement (PMO). No Change. Coordination complete.
3. Security (FGGM DES).
 - a. Threat Assessment. No Change. DES developing COAs based on trigger points for handling of demonstrators both at the perimeter and around the courtroom/theater. Scheduled to brief CDR, FGGM, Thursday afternoon.
 - b. Physical Security. Courtroom interior security plan completed and will be briefed to CDR, FGGM, Thursday. Traffic and parking plans approved.
 - c. Information Security. No Change. Increased SA and prepared to defend/react to CNA.
4. Infrastructure (FGGM DPW/SJA). No Change. Construction underway. All six trailers emplaced. Latrines delivered. Perimeter barriers are onsite for assembly this weekend.
5. Travel (SJA). No Change. Billeting location selected and reserved for MDW personnel.
6. Funding (J8/SJA). No Change.
7. Legal Proceedings (SJA). No Change. Discovery is ongoing.
8. Media Plan (MDW PAO).
 - a. Media Support. Media Plan brief to CDR, FGGM, on 8 DEC 11. Media roundtable scheduled for 9 0900 DEC at OCPA Media Conference Room to provide media with ground rules and credentialing procedures.
 - b. Media Engagement. No Change. PAG complete and responding to inquiries.
9. Rehearsals. ROC drill 8 0900 DEC 11 at FGGM. On-site rehearsals 13 1300 DEC 11.

10. Actions at higher. NSTR.

Please contact me or the OPR for detailed information.

Thank you.

v/r



(b)(1)(B)



(b)(1)(B)



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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

14 March 2011

MEMORANDUM THRU (b)(1)(B) Law Enforcement
and Intelligence, United States Department of State

FOR Original Classification Authority (OCA), United States Department of State

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the
Defense - United States v. Private First Class (PFC) Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests, in accordance with Executive Orders 12958 and 13526 (as applicable), consent to disclose classified information originating in your department or agency to PFC Manning and his appropriately cleared defense team, subject to the protections described below. This consent is required for discovery under Article 46, Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial (RCM) 405 and 701, and applicable case law.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ During the course of the investigation and examination of digital media and documents associated with this case, investigators encountered information originally classified by your department or agency.

(b)(1)(B)

¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosures 1 and 2.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

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APPELLATE EXHIBIT 376 b
PAGE REFERENCED: _____
PAGE ____ OF ____ PAGES

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

(b)(1)(B)

4. APPLICABLE CLASSIFIED INFORMATION. The classified information for this request consists of the classified digital evidence, forensic copies of the digital evidence, and copies of the documentary evidence collected in this case that contain classified information identified as originating from the Department of State. This evidence is listed on Enclosure 3. This request also includes derivative uses of the classified information originating from the evidence listed on Enclosure 3 and contained in forensic reports, general law enforcement reports, and other compiled documentation within the law enforcement and prosecution case files.

5. PROTECTION OF CLASSIFIED INFORMATION.

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. See Enclosure 4.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

6. **SUSPENSE**. The prosecution team requests this consent by 21 March 2011. The purpose of this short suspense is to provide the defense with copies of the forensic data, derivative forensic reports, and other related material for discovery purposes and to facilitate potential plea negotiations, if any. The prosecution team also requests your response to this memorandum be kept "Unclassified" and, if required, any classified material should be attached as an enclosure.

7. The point of contact for this request is the undersigned at (b) (6)

(b) (6)

(b) (6)



ASHDEN FEIN
CPT, JA
Chief, Military Justice

4 Encls

1. Charge Sheet, 5 Jul 10
2. Charge Sheet, 1 Mar 11
3. DoS Classified Evidence List, 14 Mar 11
4. Protective Order, 17 Sep 10

CF: (w/encls)

Mr. (b)(1)(B) (OTJAG, DA)



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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

14 March 2011

MEMORANDUM THRU Office of the Judge Advocate General ((b)(1)(B)), 2200 Army Pentagon, Washington, DC 20310

FOR Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC 20310

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests, in accordance with Executive Orders 12958 and 13526 (as applicable), consent to disclose classified information originating in your department or agency to PFC Manning and his appropriately cleared defense team, subject to the protections described below. This consent is required for discovery under Article 46, Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial (RCM) 405 and 701, and applicable case law.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ During the course of the investigation and examination of digital media and documents associated with this case, investigators encountered information originally classified by your department or agency.

(b)(1)(B)

¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosures 1 and 2.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

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SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

(b)(1)(B)

4. **APPLICABLE CLASSIFIED INFORMATION.** The classified information for this request consists of the classified digital evidence, forensic copies of the digital evidence, and copies of the documentary evidence collected in this case that contain classified information identified as originating from the Department of Defense. This evidence is listed on Enclosure 3. This request also includes derivative uses of the classified information originating from the evidence listed on Enclosure 3 and contained in forensic reports, general law enforcement reports, and other compiled documentation within the law enforcement and prosecution case files.

5. **PROTECTION OF CLASSIFIED INFORMATION.**

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. *See* Enclosure 4.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

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FOR OFFICIAL USE ONLY

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SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

6. **SUSPENSE**. The prosecution team requests this consent by 21 March 2011. The purpose of this short suspense is to provide the defense with copies of the forensic data, derivative forensic reports, and other related material for discovery purposes and to facilitate potential plea negotiations, if any. The prosecution team also requests your response to this memorandum be kept "Unclassified" and, if required, any classified material should be attached as an enclosure.

7. The point of contact for this request is the undersigned a (b) (6)

(b) (6)



ASHDEN FEIN
CPT, JA
Chief, Military Justice

4 Encls

1. Charge Sheet, 5 Jul 10
2. Charge Sheet, 1 Mar 11
3. DoD Classified Evidence List, 14 Mar 11
4. Protective Order, 17 Sep 10

CF: (w/encls)

Mr. (b)(1)(B) (OTJAG, DA)

(b)(1)(B), DISA

(b)(1)(B), JIEDDO

FOR OFFICIAL USE ONLY (SECRET//NOFORN w/ ENCLOSURE 1)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

18 March 2011

MEMORANDUM THRU (b)(1)(B) Law Enforcement
and Intelligence, United States Department of State

FOR Original Classification Authority (OCA), United States Department of State

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests the appropriate authority *finalize* their classification reviews of the enclosed documents and evidence to be used in the criminal prosecution of PFC Manning. See Enclosure 1.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ This request memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence. This request is in addition to the Request for Consent to Disclose Classified Information to the Accused and the Defense, dated 14 March 2011.

(b)(1)(B)

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ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
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4. **FUTURE REQUESTS.** This request includes all information presently within the possession of law enforcement and the prosecution which is expected to be used at trial, as set forth in Enclosure 1. The prosecution team may submit future requests for classification reviews if additional documents and evidence are determined to be useful during the court-martial process. In addition, the prosecution may submit future requests for classification reviews of classified information the defense intends to introduce during the court-martial, subject to the procedures outlined below.

(b)(1)(B)

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SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)

Bradley E. Manning

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ASHDEN FEIN
CPT, JA
Chief, Military Justice

6 Encls

1. Classified Evidence for Review
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CF: (w/encls)

Mr. (b)(1)(B) (OTJAG, DA)

Mr. (b)(1)(B) (NSA)

Ms. (b)(1)(B) (DOJ)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319 5013

ANJA-CL

18 March 2011

MEMORANDUM THRU

Office of the Judge Advocate General (b)(1)(B), 2200 Army Pentagon,
Washington, DC 20310

Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC
20310

FOR Commander, U.S. Central Command, 7115 South Boundary Boulevard, MacDill AFB, FL
33621

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

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SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
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ASHDEN FEIN
CPT, JA
Chief, Military Justice

CF: (w/encls)

Mr. (b)(1)(B) (NSA)

Ms. (b)(1)(B) (DOJ)



REPLY TO
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210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

18 March 2011

MEMORANDUM THRU

Office of the Judge Advocate General ((b)(1)(B)), 2200 Army Pentagon,
Washington, DC 20310
Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC
20310

FOR Commander, U.S. Southern Command, 3511 Northwest 91st Avenue, Miami, FL 33172

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

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ASHDEN FEIN
CPT, JA
Chief, Military Justice

CF: (w/encls)

Mr. (b)(1)(B) (NSA)

Ms. (b)(1)(B) (DOJ)



REPLY TO
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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319 5013

ANJA-CL

18 March 2011

MEMORANDUM THRU

Office of the Judge Advocate General (b)(1)(B), 2200 Army Pentagon,
Washington, DC 20310
Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC
20310

FOR Commander, U.S. Army Intelligence and Security Command, 8825 Beullah Street, Fort
Belvoir, VA 22060

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

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SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
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(b)(1)(B)

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SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
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ASHDEN FEIN
CPT, JA
Chief, Military Justice

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CF: (w/encls)

Mr. (b)(1)(B) (NSA)

Ms. (b)(1)(B) DOJ



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

18 March 2011

MEMORANDUM THRU [REDACTED] (b)(1)(B) Intelligence, Office
of the Director of National Intelligence

FOR Original Classification Authority (OCA), Office of the Director of National Intelligence

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

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[REDACTED]
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SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
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ASHDEN FEIN
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Mr. (b)(1)(B) (OTJAG, DA)
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REPLY TO
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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
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ANJA-CL

18 March 2011

MEMORANDUM THRU [REDACTED] (b)(1)(B), Office of the General Counsel,
National Security Agency

FOR Original Classification Authority (OCA), National Security Agency

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
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³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. *See Enclosure 6.*

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.


e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

7. SUSPENSE. The prosecution team requests this approval by 31 March 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ.

8. The point of contact for this request is the undersigned at (b) (6)

6 Encls

1. Classified Evidence for Review
2. Charge Sheet, 5 Jul 10
3. Charge Sheet, 1 Mar 11
4. Sample Affidavit
5. Sample Cover Letter for OCA
6. Protective Order, 17 Sep 10


ASHDEN FEIN
CPT, JA
Chief, Military Justice

CF: (w/encls)

Mr. (b)(1)(B) (OTJAG, DA)

Ms. (b)(1)(B) (DOJ)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319 5013

ANJA-CL

18 March 2011

MEMORANDUM THRU

Office of the Judge Advocate General (b)(1)(B), 2200 Army Pentagon,
Washington, DC 20310
Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC
20310

FOR Commander, U.S. Cyber Command, 9800 Savage Road, Fort George G. Meade, MD
20755

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests the appropriate authority *finalize* their classification reviews of the enclosed documents and evidence to be used in the criminal prosecution of PFC Manning. *See* Enclosure 1.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ This request memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence. This request is in addition to the Request for Consent to Disclose Classified Information to the Accused and the Defense, dated 14 March 2011.

(b)(1)(B)

¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). *See* Enclosures 2 and 3.

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

(b)(1)(B)

4. **FUTURE REQUESTS.** This request includes all information presently within the possession of law enforcement and the prosecution which is expected to be used at trial, as set forth in Enclosure 1. The prosecution team may submit future requests for classification reviews if additional documents and evidence are determined to be useful during the court-martial process. In addition, the prosecution may submit future requests for classification reviews of classified information the defense intends to introduce during the court-martial, subject to the procedures outlined below.

(b)(1)(B)

6. PROTECTION OF CLASSIFIED INFORMATION.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (c) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. See Enclosure 6.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

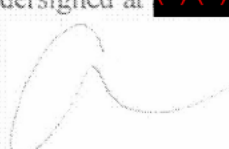
e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

7. SUSPENSE. The prosecution team requests this approval by 31 March 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ.

8. The point of contact for this request is the undersigned at (b) (6)

6 Encls

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6. Protective Order, 17 Sep 10


ASHDEN FEIN
CPT, JA
Chief, Military Justice

CF: (w/encls)

Mr. (b)(1)(B) (NSA)

Ms. (b)(1)(B) (DOJ)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

18 March 2011

MEMORANDUM THRU (b)(1)(B) (b)(1)(B) Office of the
General Counsel, Defense Information Systems Agency, 6910 Cooper Avenue, Fort George G.
Meade, MD 20755

FOR Director, Defense Information Systems Agency, 6910 Cooper Avenue, Fort George G.
Meade, MD 20755

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests the appropriate authority *finalize* their classification reviews of the enclosed documents and evidence to be used in the criminal prosecution of PFC Manning. See Enclosure 1.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ This request memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence. This request is in addition to the Request for Consent to Disclose Classified Information to the Accused and the Defense, dated 14 March 2011.

(b)(1)(B)

¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosures 2 and 3.

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

(b)(1)(B)

4. **FUTURE REQUESTS.** This request includes all information presently within the possession of law enforcement and the prosecution which is expected to be used at trial, as set forth in Enclosure 1. The prosecution team may submit future requests for classification reviews if additional documents and evidence are determined to be useful during the court-martial process. In addition, the prosecution may submit future requests for classification reviews of classified information the defense intends to introduce during the court-martial, subject to the procedures outlined below.

(b)(1)(B)

6. PROTECTION OF CLASSIFIED INFORMATION.

a. Retain Classification. This request will not affect the classification of any of the subject information.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (c) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. See Enclosure 6.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

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e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

7. SUSPENSE. The prosecution team requests this approval by 31 March 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ.

8. The point of contact for this request is the undersigned at (b) (6)

6 Encls

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6. Protective Order, 17 Sep 10

ASHDEN FEIN
CPT, JA
Chief, Military Justice

CF: (w/encls)

Mr. (b)(1)(B) (OTJAG, DA)

Mr. (b)(1)(B) (NSA)

Ms. (b)(1)(B) (DOJ)



REPLY TO
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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

28 July 2011

MEMORANDUM THRU (b)(1)(B) Law Enforcement and
Intelligence, United States Department of State

FOR Original Classification Authority (OCA), United States Department of State

SUBJECT: Updated Request for Classification Review United States v. PFC Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority complete their classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the second written request that memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence.

3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. §810. The only remedy for an Article 10 violation is dismissal of the charges with prejudice. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your department could severely hinder the prosecution.

4. **SUSPENSE.** The prosecution requests your reviews be completed by 10 August 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ and to minimize any future delays.

5. The point of contact for this memorandum is the undersigned at (b) (6)

ASHDEN FEIN
CPT, JA
Trial Counsel

CF:

Mr. (b)(1)(B) (OTJAG, DA)

Ms. (b)(1)(B) (DOJ)

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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

28 July 2011

MEMORANDUM THRU

Office of the Judge Advocate General (b)(1)(B) 2200 Army Pentagon,
Washington, DC 20310
Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC 20310

FOR Commander, U.S. Central Command, 7115 South Boundary Boulevard, MacDill AFB, FL 33621

SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority complete their classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the second written request that memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence.

3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. §810. The only remedy for an Article 10 violation is dismissal of the charges with prejudice. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your organization could severely hinder the prosecution.

4. **SUSPENSE.** The prosecution requests your reviews be completed by 10 August 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ and to minimize any future delays.

5. The point of contact for this memorandum is the undersigned at (b) (6)

ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Mr. (b)(1)(B) (OTJAG, DA)
Ms. (b)(1)(B) DOJ)

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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

28 July 2011

MEMORANDUM THRU

Office of the Judge Advocate General (b)(1)(B), 2200 Army Pentagon,
Washington, DC 20310
Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC 20310

FOR Commander, U.S. Southern Command, 3511 Northwest 91st Avenue, Miami, FL 33172

SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority complete their classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the second written request that memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence.

3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. §810. The only remedy for an Article 10 violation is dismissal of the charges with prejudice. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your organization could severely hinder the prosecution.

4. **SUSPENSE.** The prosecution requests your reviews be completed by 10 August 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ and to minimize any future delays.

5. The point of contact for this memorandum is the undersigned at (b) (6)

ASHDEN FRIN
CPT, JA
Trial Counsel

CF:
Mr. David Mayfield (OTJAG, DA)
Ms. Deborah Curtis (CES, DOJ)

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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

28 July 2011

MEMORANDUM THRU

Office of the Judge Advocate General (b)(1)(B), 2200 Army Pentagon,
Washington, DC 20310
Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC 20310

FOR Commander, U.S. Army Intelligence and Security Command, 8825 Beulah Street, Fort Belvoir, VA
22060

SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley E. Manning


1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority complete their classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the second written request that memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence.

3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. §810. The only remedy for an Article 10 violation is dismissal of the charges with prejudice. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your organization could severely hinder the prosecution.

4. **SUSPENSE.** The prosecution requests your reviews be completed by 10 August 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ and to minimize any future delays.

5. The point of contact for this memorandum is the undersigned at (b) (6)


ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Mr. (b)(1)(B) (OTJAG, DA)
Ms. (b)(1)(B) (DOJ)

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U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

28 July 2011

MEMORANDUM THRU (b)(1)(B), Intelligence, Office of
the Director of National Intelligence

FOR Original Classification Authority (OCA), Office of the Director of National Intelligence

SUBJECT: Updated Request for Consent to Disclose Classified Information and Classification Review -
United States v. PFC Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority complete both the consent to disclose classified material in discovery outlined in the prosecution's original written request, dated 14 March 2011, and the classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011.
2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the second written request that memorializes previous discussions concerning the use of documents and evidence in discovery and at trial originating in your agency and the classification of those documents and evidence.
3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. §810. The only remedy for an Article 10 violation is dismissal of the charges with prejudice. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your department could severely hinder the prosecution.
4. **SUSPENSE.** The prosecution requests the consent and your reviews be completed by 10 August 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ and to minimize any future delays.
5. The point of contact for this memorandum is the undersigned (b)(6)

ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Mr. (b)(1)(B) (OTJAG, DA)
Ms. (b)(1)(B), DOJ)

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